

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GREE, INC.,) (CIVIL ACTION NOS.
) (2:19-CV-70-JRG-RSP
PLAINTIFFS,) (2:19-CV-71-JRG-RSP
) (
VS.) (
) (MARSHALL, TEXAS
SUPERCELL OY,) (SEPTEMBER 10, 2020
) (9:28 A.M.
DEFENDANTS.) (

TRANSCRIPT OF JURY TRIAL

VOLUME 1 - MORNING SESSION

BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

UNITED STATES CHIEF DISTRICT JUDGE

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P R O C E E D I N G S

COURT SECURITY OFFICER: All rise.

THE COURT: Thank you. Be seated.

Good morning, ladies and gentlemen. Thank you all for being here. My name is Rodney Gilstrap, and I have the privilege of serving as the Chief United States District Judge for the United States District Court for the Eastern District of Texas.

I have lived here in Marshall since I got out of law school in 1981. I've practiced law in this area for 30 years, and I was appointed a United States District Judge and confirmed in 2011. So I've had this job for soon-to-be nine years.

I have a confession to make to all of you, I was not born in Texas. But I got here as quick as I could.

I came to Texas to attend college at Baylor University and then stayed and went to law school at the Baylor Law School.

I'm married, I have two grown children, and my wife owns and operates a retail floral business here in Marshall.

Now, I tell you all these things because in a few minutes, I'm going to ask each of you to tell me the same kind of information about each of yourselves. And I think you're entitled to know as much about me as I'm going to

09:29:46 1 find out about each of you.

09:29:50 2 We're about to engage in the selection of a jury
09:29:52 3 in a civil case involving allegations of patent
09:29:56 4 infringement. However, before we go any further, I'd like
09:30:01 5 to briefly mention some of the health and safety
09:30:03 6 precautions that we're going to be taking during this
09:30:07 7 trial.

09:30:08 8 As I explained in the letter that I sent attached
09:30:11 9 to the summons that you received to appear here for jury
09:30:15 10 duty, we're implementing several safeguards during jury
09:30:19 11 selection today and the trial that will follow. These
09:30:22 12 safeguards will be implemented going forward throughout the
09:30:25 13 trial of the case, and I want to go over these with you now
09:30:28 14 in some regard, and I'll go over more of them later.

09:30:31 15 Those of you that will be selected to serve on our
09:30:34 16 jury, and we'll -- we'll select eight members of this
09:30:37 17 venire panel to be the jury in this case -- the eight of
09:30:41 18 you that are selected to serve on this jury, I want you to
09:30:46 19 know that each day of the trial, like this morning, when
09:30:51 20 you enter the courthouse, you'll have your temperature
09:30:55 21 taken with a thermometer by a member of the court staff to
09:31:01 22 assure that there's no problem with your temperature.

09:31:03 23 Once -- once the jury is selected and sworn and
09:31:06 24 seated in the box, the jury box, I'm going to ask you to
09:31:10 25 take off your mask and replace them with a plastic face

09:31:18 1 shield.

09:31:18 2 I do that for two reasons. Number one, it will
09:31:21 3 provide a level of protection; and, number two, it's
09:31:26 4 important for the Court and the lawyers to be able to see
09:31:29 5 the facial expressions and read the faces of the jurors
09:31:32 6 throughout the trial process. And you just can't do that
09:31:36 7 with at least 50 percent of your face covered with a mask.

09:31:39 8 If any of you who are selected to serve on the
09:31:42 9 jury feel very strongly that you should keep a mask on
09:31:45 10 regardless, I'm not going to prohibit that. But unless you
09:31:49 11 feel very strongly about that, I would much prefer that you
09:31:53 12 replace the mask with the face shield, and the face shields
09:31:56 13 are in the chairs in the jury box where you'll be seated.

09:31:58 14 I will tell you with regard to these face shields,
09:32:05 15 there's a plastic film that covers the front and the back
09:32:08 16 of the plastic part. If you don't take that film off, like
09:32:11 17 I didn't the first time, everything is blurry when you look
09:32:13 18 through here. So be sure you remove the plastic film on
09:32:17 19 both sides of the plastic face shields.

09:32:19 20 Also, we're going to seat the jury in the box so
09:32:24 21 that there are vacant chairs between you. You will not be
09:32:28 22 seated directly next to anyone else on the jury. Those of
09:32:31 23 you in the jury can rely on the fact that every evening
09:32:37 24 when we recess, the Court will have the jury room, the jury
09:32:41 25 box, and the bathrooms that serve the jury room deep

09:32:45 1 cleaned every evening.

09:32:46 2 Also, throughout the trial, those of you on the
09:32:49 3 jury should be aware that the Court is going to provide
09:32:53 4 lunch for you each day. It will be brought in in separate
09:32:58 5 boxed lunches, and each of you will have your own
09:33:00 6 individualized lunch.

09:33:01 7 This will keep you from having to leave the
09:33:04 8 courthouse, mingle with the community looking for lunch.
09:33:07 9 It will also save us some time. It will take less time to
09:33:11 10 cover lunch each day than if you had to leave, go to a
09:33:15 11 restaurant, and then come back.

09:33:16 12 All of these precautions, as I've said, are with
09:33:24 13 an eye toward having not only a fair and an impartial trial
09:33:28 14 but also having a safe trial.

09:33:30 15 Now, if you'll indulge me for just a minute, I'd
09:33:34 16 like to review with you historically how we came to have
09:33:40 17 our American civil jury trial system.

09:33:42 18 If you go back in ancient history to the
09:33:45 19 Pentateuch, the first five books of the Old Testament,
09:33:49 20 you'll find that the ancient Hebrew nation empaneled juries
09:33:53 21 to establish issues and decide issues of property ownership
09:33:56 22 and property value. The ancient Greeks began using a jury
09:34:01 23 system about 1500 BC.

09:34:04 24 The Romans, as they did with many things, copied
09:34:07 25 the jury system from the Greeks. And it was the Romans who

09:34:11 1 brought the jury system to what is now England when they
09:34:15 2 conquered that island in the 4th Century AD.

09:34:18 3 So by the 12th Century AD, the concept of trial by
09:34:22 4 jury had been well established in England for 800 years.

09:34:27 5 But in the 12th Century AD, a tyrannical king came
09:34:32 6 to the throne of England named King John, and he got
09:34:38 7 embroiled in serious disputes with his nobles that led that
09:34:43 8 nation to the brink of a civil war.

09:34:45 9 And one of the particular disputes King John had
09:34:48 10 with his nobles was that they resisted his efforts to
09:34:52 11 curtail and do away with the right to trial by jury.

09:34:55 12 Those disputes did not lead to a civil war, and
09:34:59 13 they were resolved when King John and his nobles met at a
09:35:03 14 place called Runnymede, and they all drew up and signed a
09:35:07 15 document that resolved their disputes and enshrined in
09:35:11 16 English law the right to a trial by jury, among other
09:35:15 17 things. That document most of you have heard of. It's
09:35:18 18 called the Magna Carta.

09:35:20 19 As a matter of fact, ladies and gentlemen, 28 of
09:35:26 20 our 50 United States have adopted in their own state
09:35:30 21 constitutions the provisions of the Magna Carta regarding
09:35:35 22 the right to trial by jury verbatim.

09:35:37 23 So you can see with that historical context that
09:35:37 24 when our founding fathers came to these shores as British
09:35:41 25 colonists, the right to trial by jury was deeply

09:35:43 1 ingrained -- ingrained in them, and the right to trial by
09:35:48 2 jury flourished in British colonial America for over a
09:35:53 3 hundred years until another tyrannical king came to the
09:35:56 4 throne of Great Britain. This time his name was King
09:35:56 5 George, the III.

09:36:01 6 And King George, the III, like King John,
09:36:04 7 attempted to restrict and do away with the right to trial
09:36:07 8 by jury.

09:36:10 9 In fact, when Thomas Jefferson sat down to write
09:36:13 10 the Declaration of Independence, which lists the various
09:36:15 11 disputes and issues that led the American colonists to feel
09:36:20 12 compelled to seek their own independent status as a free
09:36:24 13 and separate nation, the king's efforts to restrict and --
09:36:29 14 and do away with the right to trial by jury is specifically
09:36:33 15 called out in the Declaration of Independence as one of the
09:36:37 16 many reasons that led us to feel we needed to become our
09:36:41 17 own independent nation.

09:36:42 18 And we did become our own independent nation.
09:36:46 19 And, after that, we adopted what is the governing law of
09:36:51 20 our country, the supreme law of our country, the
09:36:54 21 Constitution of the United States.

09:36:55 22 And shortly after the Constitution was adopted, we
09:36:59 23 adopted the first 10 amendments to that Constitution. And
09:37:04 24 you've all heard those first 10 amendments -- amendments
09:37:08 25 referred to as the Bill of Rights.

09:37:09 1 Within the Bill of Rights, which is the Seventh
09:37:13 2 Amendment -- the seventh of those 10 amendments to the
09:37:16 3 Constitution is the amendment that guarantees the right to
09:37:19 4 a jury trial in a civil dispute such as this. And the
09:37:24 5 Tenth Amendment, as well as the other amendments in the
09:37:26 6 Bill of Rights, were all ratified as a part of our
09:37:29 7 Constitution in 1791.

09:37:31 8 So, ladies and gentlemen, since 1791, every
09:37:37 9 American citizen has had a constitutionally guaranteed
09:37:40 10 right to settle their civil disputes through a trial by
09:37:43 11 jury.

09:37:43 12 So by you being here this morning and
09:37:47 13 participating in this process, in a very real sense, you
09:37:51 14 are doing your part as American citizens to preserve,
09:37:55 15 protect, and defend our Constitution, particularly the
09:37:59 16 Seventh Amendment guaranteeing this right to trial by jury.

09:38:03 17 I always tell citizens who appear for jury duty,
09:38:07 18 as you have this morning, that, in my opinion, personally,
09:38:11 19 jury service is the second highest form of public service
09:38:14 20 that any American can render. In my personal view, the
09:38:19 21 highest form of public service any American can render are
09:38:23 22 those men and women who serve in our armed forces.

09:38:26 23 Now, when the lawyers address you today, and they
09:38:31 24 will shortly, they're going to ask you various questions.
09:38:34 25 I want all of you to understand that the lawyers are not

09:38:38 1 seeking to pry into your personal affairs unduly. Said
09:38:42 2 another way, ladies and gentlemen, they're not trying to be
09:38:45 3 nosy. They're simply trying to gain useful information --
09:38:50 4 excuse me -- information so that they can select and we can
09:38:54 5 empanel in this case a fair and an impartial jury to hear
09:38:58 6 the evidence.

09:39:00 7 The important thing for you all to remember is
09:39:04 8 that if you give full, complete, and truthful answers to
09:39:07 9 any question that's asked, then you will have given a
09:39:10 10 proper answer. Again, there are no wrong answers as long
09:39:13 11 as your response is full, complete, and truthful.

09:39:16 12 I don't know if it will happen today, I will tell
09:39:21 13 you it rarely does, but if there were a question asked to
09:39:26 14 any one of the panel that you believe personally is so
09:39:29 15 private and so sensitive that you are not comfortable
09:39:32 16 answering it in front of the presence of everybody else,
09:39:35 17 then you can simply say, I'd like to talk with Judge
09:39:38 18 Gilstrap about that.

09:39:39 19 And if that's your answer, I'll make an -- I'll
09:39:43 20 provide an opportunity where you can answer that outside of
09:39:45 21 the presence of everyone else on the panel. But, again,
09:39:48 22 ladies and gentlemen, that -- that does not come up very
09:39:50 23 often.

09:39:51 24 Now, the trial in this case is going to begin
09:39:56 25 today after we select the jury. It will go through

09:40:00 1 tomorrow, and then I expect it will take most, if not all,
09:40:04 2 of next week. Today is the 10th of September. The end of
09:40:09 3 next week on Friday is the 18th of September.

09:40:11 4 So what I need to ask you is if there is anybody
09:40:14 5 on this panel that if you were selected for jury service in
09:40:18 6 this case could not possibly be available to serve over
09:40:23 7 that period of time. And when I say could not possibly be
09:40:27 8 available, I mean a very serious conflict that would
09:40:31 9 prohibit your participation.

09:40:33 10 If you have -- for example, if you have a surgical
09:40:36 11 procedure scheduled for you or an immediate member of your
09:40:39 12 family that can't be rescheduled, that would be something
09:40:42 13 that would fall in that category. But anything much less
09:40:48 14 than that would not be in that category.

09:40:50 15 So if there is anything that would keep any of
09:40:56 16 you, if selected, from being available throughout the time
09:40:59 17 I anticipate it will take to try the case, that's something
09:41:01 18 I need to know about. If there's anybody that falls in
09:41:04 19 that category, would you please raise your hands and let me
09:41:06 20 make a note of it?

09:41:08 21 I don't see anybody raising their hands, except I
09:41:13 22 see a lady with a paper over her head who's had it there
09:41:16 23 the whole time.

09:41:17 24 So you're not raising your hand, are you, ma'am.

09:41:21 25 JUROR PRICE: No, no, no.

09:41:21 1 THE COURT: Okay. Thank you.

09:41:23 2 JUROR PRICE: This air keeps blowing on my head is
09:41:25 3 what I'm doing.

09:41:26 4 THE COURT: You keep it right there. I just want
09:41:28 5 to make sure you're not raising your hand.

09:41:31 6 All right. Now, at this time, I'm going to call
09:41:33 7 for announcements on the record in the case of GREE, Inc.,
09:41:35 8 versus Supercell Oy. These are civil cases 2:19-CV-70 and
09:41:42 9 2:19-CV-71.

09:41:44 10 And, counsel, as you give your announcements for
09:41:47 11 the record, please identify yourselves, as well as those at
09:41:52 12 the tables with you, and anyone else as a part of your
09:41:56 13 trial team you think would be appropriate to identify for
09:41:58 14 the panel.

09:41:58 15 We'll begin with the Plaintiff. What says the
09:42:01 16 Plaintiff?

09:42:01 17 MR. MOORE: Good morning, Your Honor. And thank
09:42:03 18 you. My name is Steve Moore, and I represent the Plaintiff
09:42:07 19 GREE, Incorporated in this case. With me are my
09:42:11 20 colleagues, Melissa Smith, as well as our colleague, Jamie
09:42:15 21 Laird who's here to help us with jury selection today.

09:42:17 22 Thank you for being here, ladies and gentlemen.

09:42:19 23 THE COURT: All right. You're ready to proceed,
09:42:21 24 Mr. --

09:42:21 25 MR. MOORE: We are ready to proceed with trial,

09:42:23 1 Your Honor. Thank you.

09:42:23 2 THE COURT: What says the Defendant?

09:42:24 3 MR. DACUS: Good morning, Your Honor. Deron Dacus
09:42:26 4 here with Mike Sacksteder and Bryan Kohm on behalf of
09:42:33 5 Supercell. And we're ready to proceed, Your Honor.

09:42:34 6 THE COURT: Thank you.

09:42:35 7 MR. DACUS: Thank you.

09:42:35 8 THE COURT: And, ladies and gentlemen, so there's
09:42:37 9 no confusion in this trial, by agreement of the parties,
09:42:42 10 we're trying two separate cases. That's why I called out
09:42:45 11 two separate numbers. But the parties have agreed to try
09:42:48 12 these as one trial.

09:42:49 13 Also, as I told you, this is a case arising under
09:42:57 14 the patent laws of the United States. And what the
09:43:00 15 Plaintiff, GREE, is claiming is that its patents -- certain
09:43:05 16 of its patents have been infringed by the Defendant,
09:43:08 17 Supercell, and it's seeking money damages because of that
09:43:11 18 infringement.

09:43:11 19 The Defendant, Supercell, denies that it infringes
09:43:15 20 any of the Plaintiff's patents, and they contend that those
09:43:19 21 patents are invalid.

09:43:20 22 Now, what I've just told you is a very shorthand,
09:43:25 23 informal way in layman's terms of telling you about the
09:43:28 24 case. And I know each of you have seen the patent video
09:43:31 25 film prepared by the Federal Judicial Center. So with

09:43:33 1 that, you already know more about patent cases than most
09:43:37 2 people do when they appear for jury duty.

09:43:39 3 Now, as I've said, the lawyers for both sides are
09:43:43 4 about to question the panel to gather information so they
09:43:45 5 can exercise their prerogatives and complete the process of
09:43:49 6 selecting the eight jurors that will constitute the jury in
09:43:54 7 this case.

09:43:54 8 Again, ladies and gentlemen, there aren't any
09:43:57 9 wrong answers to the questions you may be asked, as long as
09:44:00 10 the answers that you give are full, complete, and truthful.

09:44:05 11 And as I mentioned, the lawyers are simply trying
09:44:08 12 to help secure as a part of the process a fair and an
09:44:11 13 impartial jury. They're not attempting to be nosy.

09:44:13 14 If for any reason anybody on either side should
09:44:18 15 ask a question that I think is improper, I will certainly
09:44:22 16 stop them. But you should understand, ladies and
09:44:25 17 gentlemen, these are experienced trial lawyers. They
09:44:27 18 understand the rules of the Court. They understand the
09:44:29 19 Federal Rules of Civil Procedure. And I don't expect that
09:44:32 20 to happen.

09:44:33 21 There is one thing that I want to call your
09:44:36 22 attention to before the lawyers ask any questions, because
09:44:40 23 it's quite possible they will ask you about this in their
09:44:43 24 questioning.

09:44:43 25 And that's the burden of proof. In a patent case,

09:44:48 1 like this, the jury may be called upon to apply two
09:44:52 2 different burdens of proof. The jury may apply the burden
09:44:58 3 of proof known as the preponderance of the evidence.
09:45:00 4 That's one of those two burdens of proof. And I'll -- I'll
09:45:03 5 say that again, the preponderance of the evidence.

09:45:07 6 As well as a second burden of proof known as clear
09:45:10 7 and convincing evidence -- clear and convincing evidence.

09:45:13 8 Now, when you're responding to any questions the
09:45:20 9 lawyers may ask about the burden of proof, I need to
09:45:22 10 instruct you that when a party has the burden of proof on
09:45:24 11 any issue by a preponderance of the evidence, that means
09:45:30 12 that the jury must be persuaded by the credible or
09:45:33 13 believable evidence that that claim or defense is more
09:45:39 14 probably true than not true. Let me say that again, more
09:45:43 15 probably true than not true.

09:45:45 16 Sometimes this is talked about as being the
09:45:49 17 greater weight and degree of credible testimony.

09:45:54 18 I think everybody can -- in the room can see in
09:45:58 19 front of me and in front of our court reporter a statue of
09:46:02 20 the Lady of Justice.

09:46:03 21 She holds in her right hand lowered at her right
09:46:07 22 side the sword of justice outside of its scabbard. She is
09:46:12 23 blindfolded, and in her left hand she holds above her the
09:46:18 24 Scales of Justice. And those scales are equal and balanced
09:46:20 25 in all respects.

09:46:21 1 And when you think about the burden of proof,
09:46:24 2 think about those Scales of Justice and consider that
09:46:26 3 throughout the trial, the evidence put on by the Plaintiff
09:46:28 4 and the evidence put on by the Defendant will -- will go on
09:46:32 5 each of their two respective sides of those scales. Those
09:46:36 6 scales start off balanced and equal.

09:46:40 7 And if a party has the burden of proof by a
09:46:43 8 preponderance of the evidence, when all the evidence is in
09:46:45 9 and the jury decides if that party has met their burden of
09:46:50 10 proof by a preponderance of the evidence, then if those
09:46:53 11 scales holding the evidence from both sides during the
09:46:57 12 trial tip in favor of the party who has the burden of proof
09:47:02 13 by a preponderance of the evidence, even if they tip ever
09:47:05 14 so slightly in that party's favor, then that party has met
09:47:10 15 its burden of proof by a preponderance of the evidence.

09:47:12 16 If, on the other hand, the issue before the jury
09:47:18 17 requires that the party meet the clear and convincing
09:47:22 18 burden of proof, then when all the evidence is in and it's
09:47:25 19 on both respective sides of those Scales of Justice, the
09:47:30 20 party who has a burden of proof by clear and convincing
09:47:32 21 evidence has to have those scales tip in their favor
09:47:39 22 definitely, not ever so slightly. They must definitely tip
09:47:42 23 in that party's favor. And if they do, then that party has
09:47:45 24 met its burden of proof by clear and convincing evidence.

09:47:47 25 Now, I don't want any of you to confuse either of

09:47:56 1 these two burdens of proof with a third burden of proof
09:47:59 2 that I'm sure you've all heard about in the movies and
09:48:03 3 television and media called beyond a reasonable doubt.

09:48:07 4 Beyond a reasonable doubt is a different burden of
09:48:10 5 proof, and it is applied in criminal cases. It is never
09:48:13 6 applied in a civil case like this.

09:48:19 7 So you should not confuse beyond a reasonable
09:48:21 8 doubt with clear and convincing evidence. Clear and
09:48:22 9 convincing evidence is more than a preponderance of the
09:48:26 10 evidence, but it is less than beyond a reasonable doubt.

09:48:28 11 Now, I'm giving you these instructions in case
09:48:39 12 some of the lawyers in their questioning asks you about
09:48:41 13 your ability, if you're selected to serve, to apply each of
09:48:45 14 those two burdens of proof fairly to the evidence that's
09:48:48 15 presented over the course of the trial.

09:48:50 16 Now, before the lawyers ask any questions, ladies
09:48:54 17 and gentlemen, each of you should have laminated copies of
09:48:58 18 nine questions available to you, and they should be on the
09:49:02 19 monitor in front of you.

09:49:03 20 If they're not on the monitor, we need to get them
09:49:07 21 on the monitor, Ms. Lockhart.

09:49:08 22 There they are.

09:49:13 23 We're going to let each member of the panel stand
09:49:19 24 and answer these nine questions for us. This is where I
09:49:22 25 get to learn as much about you as I told you about myself

09:49:25 1 when I came out this morning.

09:49:27 2 I want to explain to you how we're going to do
09:49:29 3 this. We have two Court Security Officers here in the
09:49:33 4 courtroom, Ms. Denton and Mr. Fitzpatrick. They're going
09:49:36 5 to have two separate handheld microphones. We're going to
09:49:42 6 pass those microphones to each member of the panel to use
09:49:44 7 when you answer these nine questions.

09:49:47 8 And when one microphone has been used, it will be
09:49:50 9 wiped down with a disinfecting cloth so that when it's used
09:49:54 10 the next time, it will be clean and sanitized. And we have
09:49:58 11 two of them so we can rotate them without delaying the
09:50:01 12 process. So you'll know that when you get a microphone,
09:50:04 13 it's been sanitized immediately before you use it.

09:50:06 14 I'm going to ask each of you, when you answer
09:50:08 15 these questions, to stand, and I'm also going to ask you to
09:50:12 16 take your mask down so that I and the lawyers can see the
09:50:15 17 entirety of your face as you answer those questions and we
09:50:19 18 can hear you.

09:50:21 19 And please don't do what some folks do when they
09:50:24 20 show up for jury duty, and that's take that microphone and
09:50:27 21 then hold it down at their waist, because if you don't hold
09:50:30 22 it up near your mouth, it won't project your sound. And
09:50:35 23 this is a big courtroom and we've got a lot of people in
09:50:39 24 here, and it's important that way at this end of the
09:50:41 25 courtroom where I am I hear everybody who's at the far back

09:50:44 1 wall and elsewhere in the courtroom.

09:50:45 2 So please use the microphone appropriately.

09:50:50 3 Please pull your mask down when you stand, answer the
09:50:53 4 question, hand the microphone back to the Court Security
09:50:55 5 Officer, pull your mask back up, and have a seat.

09:50:57 6 And later in the process when the lawyers
09:51:01 7 individually ask questions of you, we will do it exactly
09:51:05 8 the same way. Wait until you get the microphone, stand,
09:51:08 9 pull your mask down, give your answer, hand the microphone
09:51:11 10 back to the Court Security Officer, pull your mask back up,
09:51:14 11 and have a seat. That's the process that we're going to
09:51:16 12 follow, ladies and gentlemen.

09:51:17 13 So with those instructions, we'll start with Panel
09:51:27 14 Member No. 1, Ms. Smith, and I'll ask you to stand and give
09:51:29 15 us your answers to those nine questions, please.

09:51:32 16 JUROR SMITH: My name is Laura Smith. I live in
09:51:34 17 Hughes Springs. I have two children. I work at North East
09:51:38 18 Texas Credit Union. I've been there 26 years. I have an
09:51:41 19 Associate's degree in accounting.

09:51:42 20 My spouse's name is Brent Smith. He is actually a
09:51:45 21 retired disabled peace officer. He worked there for
09:51:50 22 probably 20 -- 22 years, somewhere around there.

09:51:55 23 And, yes, I have actually served on a criminal.
09:52:00 24 It was just a little county case.

09:52:02 25 THE COURT: How long ago was that, ma'am? Best

09:52:07 1 guess?

09:52:08 2 JUROR SMITH: I would say 15, 16 years ago,
09:52:10 3 something like that.

09:52:11 4 THE COURT: Where was it?

09:52:12 5 JUROR SMITH: Over in Morris County --

09:52:12 6 THE COURT: Okay.

09:52:15 7 JUROR SMITH: -- which I haven't lived there in
09:52:19 8 about 12 years.

09:52:19 9 THE COURT: Okay. Thank you very much, Ms. Smith.
09:52:20 10 Next is Ms. Hopkins.

09:52:22 11 JUROR HOPKINS: Hi. My name is Yolonda Hopkins.
09:52:29 12 I live in Pittsburg, Texas. I have one adult daughter.

09:52:33 13 THE COURT: Would you hold the microphone a little
09:52:35 14 closer, please?

09:52:37 15 JUROR HOPKINS: I have one adult daughter. I work
09:52:39 16 for U.S. Steel Emergency Services as a first responder.
09:52:44 17 I've been there for, like, 15 years.

09:52:49 18 I went to Pittsburg High School. I also attended
09:52:53 19 North Texas Community College, criminal justice and EMT,
09:52:59 20 also Texas University -- Texas A&M University, interior and
09:53:06 21 exterior fire.

09:53:07 22 My husband is Henry Hopkins. He works for
09:53:12 23 Pilgrim's in the labor department. He's been there, like,
09:53:15 24 28 years.

09:53:15 25 And I have served on civil and criminal cases.

09:53:19 1 THE COURT: When was the last time you served on a
09:53:21 2 civil jury, and where was it, ma'am?

09:53:24 3 JUROR HOPKINS: It's been a few months ago in
09:53:26 4 Pittsburg, Camp County.

09:53:28 5 THE COURT: Okay. Thank you very much.

09:53:29 6 Next is Panel Member No. 3, Ms. Adams.

09:53:32 7 JUROR ADAMS: Hi. I'm Stacy Adams. My husband
09:53:35 8 and I do not have any children. I am currently retired. I
09:53:38 9 retired from the Riverside County Fire Department. I
09:53:43 10 worked there for 25 years.

09:53:45 11 THE COURT: That's Riverside County, California?

09:53:48 12 JUROR ADAMS: California, yes, sir.

09:53:50 13 THE COURT: Okay.

09:53:50 14 JUROR ADAMS: Yeah, I'm not from Texas either.

09:53:52 15 THE COURT: They may need you back in California
09:53:55 16 to put out fires now.

09:53:56 17 JUROR ADAMS: It's just so sad. So sad.

09:53:59 18 THE COURT: Please go ahead.

09:54:01 19 JUROR ADAMS: I graduated from high school. I
09:54:03 20 have taken various accounting courses.

09:54:04 21 My husband's name is Bill Adams. Bill is also
09:54:08 22 retired, and he's a retired police officer from the City of
09:54:11 23 Southgate in California. He worked there 20-plus years.

09:54:15 24 And I served on a criminal case about two years
09:54:19 25 ago.

09:54:19 1 THE COURT: And where was that?

09:54:20 2 JUROR ADAMS: In Cass County.

09:54:22 3 THE COURT: Okay. Thank you, ma'am.

09:54:23 4 Next is Panel Member No. 4, Ms. Derrick.

09:54:29 5 JUROR DERRICK: Good morning. My name is Maria
09:54:31 6 Carmen Derrick. And I live in Omaha, Texas. I have two --
09:54:35 7 two boys, and I am currently employed by Dewey Moore Ford
09:54:40 8 as their officer manager. I've been with them for four
09:54:44 9 years.

09:54:44 10 I have graduated from college with an Associate's
09:54:48 11 of Science major in accounting.

09:54:51 12 My spouse's named Shannon Derrick, and he is a
09:54:54 13 salesman for Sammon Motors in Mt. Pleasant, and he's been
09:54:57 14 there five years.

09:54:58 15 I have no prior jury service.

09:55:01 16 THE COURT: All right. Thank you, ma'am.

09:55:03 17 Next is No. 5, Ms. Thompson McCoy.

09:55:08 18 JUROR THOMPSON MCCOY: Only -- or McCoy now.

09:55:10 19 THE COURT: Okay.

09:55:11 20 JUROR THOMPSON MCCOY: Okay. My name is Patricia
09:55:13 21 McCoy. I live in Gilmer, Texas currently. I have one
09:55:17 22 child and one grown stepchild. I am currently on work
09:55:24 23 hiatus due to COVID. I work in dentistry, and I'm a
09:55:29 24 co-owner of a dental consulting company. I've worked in
09:55:35 25 dentistry for the last 32 years.

09:55:40 1 My educational background is in -- working as a
09:55:40 2 dental assistant.

09:55:42 3 And my spouse's name is -- what's his name --
09:55:51 4 freshly married -- Derrick McCoy. He is -- he works in
09:55:57 5 sales from home. And, let's see, he has been doing that
09:56:01 6 for years and years.

09:56:02 7 And I have never worked -- or never done jury
09:56:05 8 service before.

09:56:06 9 THE COURT: All right. Thank you very much,
09:56:07 10 ma'am.

09:56:08 11 Next is No. 6 on the panel, Ms. Brown.

09:56:11 12 JUROR BROWN: My name is Eleanor Jeanine Brown.
09:56:16 13 And I live in Atlanta, Texas. I have no children of my
09:56:20 14 own, but I have two grown stepchildren. I am not what you
09:56:26 15 would call retired.

09:56:28 16 About four years ago, my company was bought out,
09:56:32 17 and the company that bought them out closed our service
09:56:35 18 center down, and so I lost my job. I was in -- customer
09:56:40 19 service representative and administrative assistant. And
09:56:46 20 I -- I had worked there for several years.

09:56:48 21 THE COURT: What kind of business was that?

09:56:49 22 JUROR BROWN: It was Conway Freight.

09:56:52 23 THE COURT: Okay.

09:56:53 24 JUROR BROWN: And it got bought out by XPO
09:56:56 25 Logistics. I did finish high school, and I had a year and

09:57:03 1 a half of college going toward an Associate's degree in
09:57:06 2 secretarial -- secretarial science.

09:57:08 3 And my spouse's name is Tommy Brown. And he works
09:57:14 4 ChromaScape. He is the transportation manager there. He's
09:57:19 5 worked there, I think about 38 years.

09:57:22 6 And I have been in -- I have a -- have been a jury
09:57:27 7 member of a civil and criminal case; and it was about eight
09:57:30 8 years ago for both of them in Miller County, Arkansas.

09:57:34 9 THE COURT: Okay. Thank you very much, Ms. Brown.

09:57:36 10 Next is No. 7, Ms. Griffin.

09:57:40 11 JUROR GRIFFIN: Good morning.

09:57:43 12 THE COURT: Good morning.

09:57:44 13 JUROR GRIFFIN: My name is Phyllis Griffin. I
09:57:48 14 have no children. I am not employed. I am retired. Heavy
09:57:59 15 construction, traveled. I did that for 30-plus years. I
09:58:09 16 went back to school and got a GED.

09:58:12 17 I've never been married. And --

09:58:16 18 THE COURT: Prior jury -- prior jury service?

09:58:19 19 JUROR GRIFFIN: My prior jury service, sir, was a
09:58:22 20 few months back, Cass County. It was a -- I guess you
09:58:27 21 would call it criminal. It was a -- a guard and an inmate
09:58:35 22 thing, and I was an alternate, and I don't -- I don't know
09:58:38 23 what happened there.

09:58:39 24 THE COURT: Okay.

09:58:39 25 JUROR GRIFFIN: I got to go home.

09:58:41 1 THE COURT: Other than that, you haven't served on
09:58:43 2 a jury?

09:58:44 3 JUROR GRIFFIN: No, sir.

09:58:44 4 THE COURT: Thank you very much.

09:58:45 5 JUROR GRIFFIN: Yes, sir.

09:58:46 6 THE COURT: Next is No. 8, Ms. Jones.

09:58:49 7 JUROR JONES: My name is Staci Jones. I live in
09:58:53 8 Omaha, Texas. I have four grown children. I currently am
09:58:59 9 employed at Hughes Springs ISD. I'm the secretary to the
09:59:03 10 principal there. I've been there four years.

09:59:08 11 I have some college. I have -- I had -- I held a
09:59:13 12 state license for massage.

09:59:20 13 My husband's name is Lane. He works for
09:59:23 14 Windstream. He's been there 39 years.

09:59:26 15 And last year I was the alternate on a criminal
09:59:30 16 case in Morris County.

09:59:31 17 THE COURT: All right. Thank you very much.

09:59:33 18 Next is Ms. Arnold, No. 9.

09:59:38 19 JUROR ARNOLD: My name is Vickie Arnold, and I
09:59:45 20 live here in Marshall, Texas. I have three grown daughters
09:59:49 21 and two grown stepdaughters. I retired from Hallsville
09:59:55 22 Independent School District where I worked in human
09:59:56 23 resources. I retired there after 23 years.

10:00:03 24 I graduated from college, and I have some -- I
10:00:06 25 graduated from high school, and I have some college and a

10:00:09 1 lot of business and computer courses.

10:00:12 2 My spouse's name is Richie Arnold. He's a realtor
10:00:16 3 here in Marshall. He's worked there for 14 years. Before
10:00:23 4 that, he put in the Subway stores and the UPS Store here in
10:00:28 5 Marshall.

10:00:30 6 And I've never served on a prior jury.

10:00:33 7 THE COURT: Thank you, Ms. Arnold.

10:00:35 8 JUROR ARNOLD: Thank you.

10:00:35 9 THE COURT: Next is No. 10, Mr. Cato.

10:00:39 10 JUROR CATO: Yeah, I'm Terry Cato. I live in
10:00:46 11 Hughes Springs, Texas. I got two children. They're grown.
10:00:51 12 I work at Texas Tubular. I worked there maybe 30 years.

10:01:00 13 And 9th grade as far as I went in school.

10:01:05 14 THE COURT: Excuse me just a minute, sir.

10:01:07 15 Ms. Denton, would you make sure you're not
10:01:09 16 blocking any of the lawyers' view of Mr. Cato. Thank you.

10:01:13 17 Go ahead, sir.

10:01:15 18 JUROR CATO: I'm divorced for nine years.

10:01:19 19 And I have never served.

10:01:20 20 THE COURT: Never served on a jury?

10:01:22 21 JUROR CATO: No.

10:01:23 22 THE COURT: Thank you very much, sir.

10:01:24 23 Next is No. 11, Ms. Leathers.

10:01:27 24 JUROR LEATHERS: My name is Rachel Leathers, and I
10:01:31 25 live in Hallsville, and I -- I currently chase around an

10:01:35 1 energetic five-year-old son every day.

10:01:37 2 My employment is I work at Cisco Foods, and I'm a
10:01:41 3 sales consultant there. I've worked there about six years.

10:01:44 4 I graduated from LeTourneau with a Bachelor's
10:01:48 5 degree.

10:01:48 6 I'm single.

10:01:48 7 And I've never served on a jury.

10:01:51 8 THE COURT: And what was your Bachelor's degree
10:01:52 9 in?

10:01:54 10 JUROR LEATHERS: Education.

10:01:54 11 THE COURT: Thank you very much, ma'am.

10:01:55 12 Next is No. 12, Ms. Johnson.

10:01:58 13 JUROR JOHNSON: My name is Tamekia Johnson. I
10:02:03 14 live here in Marshall, Texas, and born and raised here. I
10:02:06 15 have one son. His name is Julius Robert Johnson.

10:02:09 16 I'm currently employed as the principal of William
10:02:13 17 B. Travis Elementary here in Marshall. I've been the
10:02:18 18 principal there for three years but been in education for
10:02:20 19 15 years.

10:02:21 20 I have a Master's degree in educational
10:02:24 21 leadership, and I also have a Master's degree in sociology.

10:02:27 22 I am divorced and been divorced for 12 years now.

10:02:32 23 And I was on a jury about 15 years ago.

10:02:36 24 THE COURT: And where was that, ma'am?

10:02:38 25 JUROR JOHNSON: It was in Smith County.

10:02:39 1 THE COURT: And was it a civil case or a criminal
10:02:41 2 case?

10:02:44 3 JUROR JOHNSON: It was a civil case.

10:02:45 4 THE COURT: All right. Thank you very much,
10:02:46 5 Ms. Johnson.

10:02:46 6 Next is No. 13, Mr. Hawkins.

10:02:54 7 JUROR HAWKINS: My name is Whitey Cub Hawkins.
10:02:57 8 I've got two grown sons and two grandchildren. I work for
10:03:02 9 Crosby Lebus in Longview, Texas. Been there 23 years.

10:03:10 10 I got a high school diploma, and I've done some
10:03:13 11 extra training with TSTC and some other things over the
10:03:18 12 years on CNC machines.

10:03:21 13 My wife's name is Angela Hawkins. She's a
10:03:27 14 supervisor at Longview Regional in specials. She's been
10:03:32 15 there for 20 years.

10:03:35 16 And I've served on a criminal case here in
10:03:40 17 Marshall. I guess it's been seven, eight years ago.

10:03:43 18 THE COURT: And that was in state court?

10:03:46 19 JUROR HAWKINS: Federal.

10:03:47 20 THE COURT: Was it in this building?

10:03:50 21 JUROR HAWKINS: I want -- I want to say it was
10:03:53 22 across on the other side.

10:03:54 23 THE COURT: Okay.

10:03:56 24 JUROR HAWKINS: It may not have been a federal.
10:03:59 25 It was a murder trial.

10:04:00 1 THE COURT: If it was in the Harrison County
10:04:02 2 Courthouse, it would have been a state case.

10:04:04 3 JUROR HAWKINS: Yes, sir.

10:04:05 4 THE COURT: Okay. That clarifies it. Thank you,
10:04:06 5 Mr. Hawkins.

10:04:08 6 Next is Ms. 14.

10:04:12 7 JUROR EHRLISH: Good morning.

10:04:12 8 THE COURT: Ms. Ehrlish?

10:04:13 9 JUROR EHRLISH: Yes. Rhonda Ehrlish, I live here
10:04:14 10 in Omaha. I have one daughter. I work for Goodman
10:04:17 11 Insurance. I'm an insurance representative. I've worked
10:04:19 12 there 27 years.

10:04:20 13 I graduated from Pewitt school.

10:04:22 14 My husband's name is Brent Ehrlish. He works for
10:04:26 15 Graphic Packaging, and he has been there since May of this
10:04:29 16 year.

10:04:30 17 My prior jury service was over 12 years ago. It
10:04:34 18 was not criminal -- I mean civil or criminal. It was in
10:04:37 19 Titus County. It was just -- I really can't remember, but
10:04:40 20 it wasn't criminal or civil.

10:04:42 21 THE COURT: All right. Thank you, ma'am.

10:04:44 22 JUROR EHRLISH: Thank you.

10:04:45 23 THE COURT: Next is No. 15, Ms. Ball.

10:04:48 24 JUROR BALL: Good morning. My name is Stephanie
10:04:53 25 Ball, and I live in Hughes Springs, Texas. We have two

10:04:57 1 grown children. I work at Guaranty Bank & Trust in
10:05:02 2 Mt. Pleasant, and I work in the loan operations department,
10:05:08 3 central doc processing. I worked there 10 years, since
10:05:12 4 2010.

10:05:13 5 My educational background, I graduated from Forney
10:05:17 6 High School, and I graduated from Tyler Junior College with
10:05:20 7 an Associate's degree in liberal arts.

10:05:25 8 My spouse's name is Greg Ball. He works at Delta
10:05:30 9 Fabrication in Daingerfield. He's worked there nine years.

10:05:34 10 And I've never served on a jury.

10:05:35 11 THE COURT: Thank you, ma'am.

10:05:36 12 Next is No 16.

10:05:38 13 JUROR KNABENSHUE: Hi, my name is Sherry
10:05:45 14 Knabenshue. I live in Harleton. I've got four grown
10:05:50 15 daughters, two granddaughters.

10:05:52 16 I work for Harleton ISD. I'm a cook in the high
10:05:58 17 school cafeteria. I previously worked 22 years at a local
10:06:01 18 supermarket in our town.

10:06:05 19 I graduated from Gilmer High School.

10:06:08 20 My husband's name is Robert Knabenshue. He is a
10:06:10 21 retired marine. He worked for General Cable for about 15
10:06:15 22 years, and he's retired from there now.

10:06:19 23 I've sat on a -- two workman comp's cases in the
10:06:24 24 district -- the other courthouse, and I was on a personal
10:06:28 25 injury case here in this one.

10:06:30 1 THE COURT: How long ago has that been?

10:06:32 2 JUROR KNABENSHUE: Probably a little over 10 years
10:06:34 3 ago probably.

10:06:35 4 THE COURT: And I assume the grocery store is
10:06:39 5 Wright Bros?

10:06:39 6 JUROR KNABENSHUE: Right. That was me.

10:06:40 7 THE COURT: Okay. Thank you, ma'am.

10:06:42 8 No. 17 is next, Ms. Norris.

10:06:44 9 JUROR NORRIS: I am Patsy Norris, and I live in
10:06:49 10 Gilmer, Texas, and I have three grown children. I work at
10:06:53 11 Daddy T's. I'm a cashier and a cook. And I've been there
10:07:01 12 five years and nine months.

10:07:03 13 THE COURT: Ms. Norris, I'm a little bit afraid to
10:07:06 14 ask, but what is Daddy T's?

10:07:12 15 JUROR NORRIS: It's a convenience store.

10:07:12 16 THE COURT: Okay.

10:07:15 17 JUROR NORRIS: I have a high school education.

10:07:17 18 I am divorced.

10:07:18 19 I've never served.

10:07:19 20 THE COURT: Thank you, ma'am.

10:07:20 21 Next is No. 18, Ms. Price.

10:07:23 22 JUROR PRICE: Yes, my name is LaCarole Price. I'm
10:07:28 23 originally from Karnack, Texas, but I live now in Marshall,
10:07:31 24 Texas. I have two grown sons. I work at Electrotechnics,
10:07:38 25 short for ELTEC. We do solar work on school systems. I

10:07:44 1 have worked there for 25 years.

10:07:46 2 I have a high school education.

10:07:47 3 I am divorced for 12 years.

10:07:49 4 And I have never served on a jury.

10:07:51 5 THE COURT: What do you do at ELTEC, ma'am?

10:07:55 6 JUROR PRICE: I do the production work. I build
10:07:56 7 the system for them to -- for the school system -- I -- I'm
10:08:00 8 sorry.

10:08:00 9 THE COURT: No, I heard you.

10:08:01 10 JUROR PRICE: Okay.

10:08:02 11 THE COURT: Thank you, ma'am.

10:08:03 12 All right. Next is No. 19. Ms. Patel.

10:08:08 13 JUROR PATEL: Hello, my name is Reena Patel. I
10:08:12 14 live in Marshall, Texas. I have two children. I work at
10:08:15 15 the Econo Lodge in Marshall. It's -- it's -- 14 years.

10:08:19 16 And I did high school and college studies in
10:08:26 17 India.

10:08:26 18 My spouse name is Forest Patel. He owns motel in
10:08:32 19 Marshall. It's about like 22 years.

10:08:34 20 And I never do jury.

10:08:36 21 THE COURT: Thank you, ma'am.

10:08:37 22 Next is No. 20, Ms. Rains.

10:08:40 23 JUROR RAINS: Glenda Rains. I live here in
10:08:43 24 Marshall, Texas. I've got new teeth so everything sounds
10:08:48 25 funny.

10:08:48 1 I have three grown children. I don't work. I
10:08:51 2 have retired. My last job I worked for my friend at
10:08:56 3 Adair's Liquor Store in Marshall. I was a cashier for
10:08:58 4 about a year. And they shut it down.

10:09:01 5 I did have a high school education.

10:09:04 6 My husband is Bruce. He worked -- he decided to
10:09:07 7 retire this summer. So he has been working for 20 years
10:09:11 8 over at Deep South Equipment in Shreveport, Louisiana. He
10:09:14 9 was a supervisor.

10:09:16 10 And I have not been on jury duty ever.

10:09:18 11 THE COURT: All right. Thank you, Ms. Rains.

10:09:20 12 Next is Panel Member No. 21, Ms. Gleason.

10:09:26 13 JUROR GLEASON: My name is Barbara Gleason. I
10:09:30 14 live right down the road in Harleton, Texas. I have two
10:09:33 15 children. I am retired, but I do work part time as a
10:09:39 16 substitute teacher at Harleton ISD. I have worked there
10:09:45 17 since -- off and on since about 2010.

10:09:48 18 I have some college. I got a certification in
10:09:52 19 surgical technology of which I retired from working 25
10:09:57 20 years in the OR.

10:09:58 21 I'm married to Michael Gleason. He has -- he
10:10:03 22 retired from Texas Eastman but then kind of worked at
10:10:07 23 Harleton ISD again as a grounds keeper. So since our
10:10:12 24 youngest graduated in 2018, we both kind of have been just
10:10:16 25 taking it easy.

10:10:19 1 THE COURT: Have you ever served on a jury before?

10:10:23 2 JUROR GLEASON: I have never served on a jury
10:10:24 3 before.

10:10:24 4 THE COURT: Okay. Thank you, Ms. Gleason.

10:10:27 5 Next is No. 22. Mr. McRight.

10:10:30 6 JUROR MCRIGHT: My name is Steve McRight. I live
10:10:32 7 in Omaha, Texas. I have two children. I work for Frito
10:10:35 8 Lay in Mt. Pleasant Texas. I've been there 30 years.

10:10:39 9 THE COURT: Mr. McRight, hold the microphone a
10:10:41 10 little closer, please.

10:10:43 11 JUROR MCRIGHT: Okay. I've been with Frito Lay
10:10:45 12 for 30 years.

10:10:46 13 My background in education is I have an
10:10:48 14 Associate's degree, general degree, from TJC in Tyler.

10:10:52 15 My spouse's name is Tamara, and she's a teacher at
10:10:56 16 Paul Pewitt High School, and she's been a teacher for 35
10:11:00 17 years.

10:11:01 18 I served on a -- one jury here about five years
10:11:05 19 ago. And it was a civil case, and it was dismissed after
10:11:09 20 the first break, so we really didn't get to hear a lot of
10:11:12 21 it, but it was -- I was picked for the jury, so...

10:11:16 22 THE COURT: Do you know what they told you the
10:11:18 23 case was about?

10:11:19 24 JUROR MCRIGHT: Someone slipped and fell at
10:11:21 25 Walmart.

10:11:22 1 THE COURT: Okay.

10:11:22 2 JUROR MCRIGHT: And they were working on that.

10:11:23 3 They come and told us that they had decided that it should
10:11:27 4 have been in a different court or something, so...

10:11:30 5 THE COURT: That's fine. Thank you. Thank you,
10:11:32 6 sir.

10:11:33 7 All right. Next is Panel Member No. 23,
10:11:37 8 Ms. Barron.

10:11:38 9 JUROR BARRON: Good morning. Yolanda Barron. I
10:11:40 10 live in Gilmer. I have two grown children and two bonus
10:11:45 11 grown children.

10:11:46 12 I'm the owner of Spring Hill Storage & Rental
10:11:52 13 Properties for the last four years.

10:11:52 14 High school.

10:11:56 15 Husband is Paul Kelly Barron who has worked over
10:11:59 16 42 years at REMTEX as a superintendent and owner.

10:12:05 17 And no jury service.

10:12:06 18 THE COURT: All right. Thank you very much.

10:12:07 19 Next is Panel Member No. 24, Ms. Burns.

10:12:12 20 JUROR BURNS: My name is Tambree Burns. And I
10:12:14 21 have no children. I'm actually a caregiver for my
10:12:18 22 grandparents right now. I started in August of this year.

10:12:22 23 I have a high school diploma and a phlebotomy
10:12:27 24 certificate with college.

10:12:28 25 My spouse's name is Blake Porter. He works for

10:12:32 1 B & R Wireline, and that's an oilfield. He's worked there
10:12:37 2 for two years.

10:12:38 3 And I have never been in a jury case before.

10:12:40 4 THE COURT: All right. Thank you, Ms. Burns.

10:12:42 5 Next is Panel Member No. 25.

10:12:45 6 JUROR CLUBB: Hello. My name is Sean Clubb. I'm
10:12:48 7 from Daingerfield, Texas. I have two grown children.

10:12:51 8 Currently work for Lowe's Home Improvement. I'm an
10:12:54 9 operations supervisor at the regional distribution center
10:13:00 10 in Mt. Vernon. I've been there about three and a half
10:13:04 11 years.

10:13:05 12 I'm not married.

10:13:06 13 And I served in the late '90s in Brazoria County
10:13:11 14 as a juror -- juror for traffic court.

10:13:13 15 THE COURT: All right, sir. Thank you very much.

10:13:14 16 Next is No. 26, Ms. Jarvis.

10:13:18 17 JUROR JARVIS: I'm Tracy Jarvis. And I live in
10:13:22 18 Omaha, Texas. I have two grown children, a boy and a girl.
10:13:24 19 And I worked at -- I work for Pewitt CISD as a kindergarten
10:13:32 20 teacher. I've been there for -- going on 16 years.

10:13:34 21 THE COURT: Ms. Jarvis, could you speak a little
10:13:38 22 louder? I'm having trouble hearing you.

10:13:41 23 JUROR JARVIS: Okay. I've been at Paul Pewitt for
10:13:43 24 16 years as a kindergarten teacher --

10:13:43 25 THE COURT: Okay.

10:13:46 1 JUROR JARVIS: -- or, well, for the last 16 years
10:13:48 2 it's been kindergarten. I have a Bachelor's in education.

10:13:51 3 My husband's name is Michael Jarvis. He works
10:13:54 4 for -- as a sales manager at Top Hat Industries, and he's
10:13:58 5 been there for, I think, 17 or 18 years. And I was on a
10:14:03 6 criminal case exactly this time last year.

10:14:06 7 THE COURT: And where was that?

10:14:08 8 JUROR JARVIS: It was in Morris County, because
10:14:10 9 today is his birthday -- my husband's birthday, and I know
10:14:15 10 that's when I got picked for that jury.

10:14:18 11 THE COURT: Well, we'll see if it happens again.
10:14:21 12 Thank you.

10:14:21 13 All right. Next is Panel Member No. No. 27,
10:14:24 14 Mr. Wallace.

10:14:26 15 JUROR WALLACE: My name is Vance Wallace. I don't
10:14:29 16 have any kids. I work at Lakeview Baptist Assembly in Lone
10:14:31 17 Star where I live. I do, like, personnel management and
10:14:33 18 groundskeeping. I've worked there for about 13 years.

10:14:37 19 I have an Associate's in general studies from
10:14:42 20 NTCC.

10:14:42 21 I'm unmarried.

10:14:43 22 And I've never served on a jury.

10:14:46 23 THE COURT: All right. Thank you very much, sir.

10:14:47 24 Next is No. 28, Mr. Kilgore.

10:14:50 25 JUROR KILGORE: My name is William Kilgore. And

10:14:53 1 if you call me William, I might not answer because nobody
10:14:57 2 calls me that; they call me Bill. I have three grown
10:14:59 3 children.

10:15:01 4 I am retired from the insurance business. I
10:15:04 5 worked in the insurance business for 35 years, retired from
10:15:07 6 that. I am a local business owner here in town.

10:15:13 7 I have a high school diploma and some college.

10:15:16 8 My wife's name is Rhonda. She is a retired
10:15:20 9 registered nurse. She did that for 25-plus years. She
10:15:26 10 does some part-time work for a local eye doctor here now.

10:15:30 11 And I had some prior jury service in Judge
10:15:34 12 Ammerman's court for a traffic ticket.

10:15:38 13 THE COURT: All right. Mr. Kilgore, when you say
10:15:40 14 you were in the insurance business, were you in sales or
10:15:42 15 were you in adjusting or what did you do?

10:15:44 16 JUROR KILGORE: Sales.

10:15:45 17 THE COURT: Sales. Okay. Thank you, sir.

10:15:47 18 All right. Next is Panel Member No. 29.

10:15:50 19 JUROR FRASE: I'm Larry Frase. I live in
10:15:54 20 Longview, Texas. I work for Texas Oncology. I'm a medical
10:15:58 21 oncologist/hematologist. I've worked there for about 23
10:16:00 22 years.

10:16:00 23 I have a Bachelor's degree in chemistry from
10:16:03 24 Baylor University, and I went to medical school at the
10:16:05 25 University of Texas Southwestern Medical School in Dallas.

10:16:09 1 My wife is Debra. She's a housewife.

10:16:12 2 And I've served in a criminal jury maybe 25 years
10:16:16 3 ago in Gregg County.

10:16:17 4 THE COURT: All right. Thank you, Dr. Frase.

10:16:20 5 Next is Panel Member No. 30, Ms. Peterson.

10:16:23 6 JUROR PETERSON: My name is Yvonne Peterson. I
10:16:27 7 live in Linden, Texas. I have one child. I work at
10:16:30 8 Ameripack Foods -- just started working there.

10:16:33 9 Graduated from high school.

10:16:34 10 I don't -- I've never been married.

10:16:35 11 And I never served on a jury.

10:16:39 12 THE COURT: Tell me, ma'am -- tell me, ma'am, what
10:16:41 13 do you do at Ameripack Foods?

10:16:44 14 JUROR PETERSON: Production.

10:16:45 15 THE COURT: Production.

10:16:46 16 JUROR PETERSON: Production.

10:16:47 17 THE COURT: Thank you, ma'am.

10:16:48 18 All right. Next is No. 31, Mr. Nelson.

10:16:51 19 JUROR NELSON: Name is Owen Nelson. I have one
10:16:55 20 grown son and one granddaughter. I work at a trucking
10:17:00 21 logistics and warehouse facility in Longview. I've been
10:17:03 22 there probably -- it will be six years this January.

10:17:08 23 I got a high school and some college, mainly
10:17:11 24 technical.

10:17:13 25 My wife's name is Betty. She worked at various

10:17:18 1 schools in the area as a cafeteria cook. She retired,
10:17:24 2 worked there for 20 some-odd years.

10:17:28 3 Prior jury duty, criminal case, Upshur County,
10:17:35 4 about seven years ago.

10:17:36 5 THE COURT: All right, sir. Thank you,
10:17:38 6 Mr. Nelson.

10:17:38 7 Next is No. 32, Ms. Livingston.

10:17:41 8 JUROR LIVINGSTON: My name is Mishelle Livingston.
10:17:44 9 I live in Daingerfield. I have no children. I work at
10:17:51 10 Lakes Regional Mental Health Clinic in Mt. Pleasant as a
10:17:54 11 medical receptionist, and I also am a reserve deputy at
10:17:58 12 Titus County Sheriff's Office. Been at Lakes Regional
10:18:02 13 about four years, Titus County for eight years.

10:18:02 14 I have some college. I have a peace officer's
10:18:07 15 certificate and EMT certificate.

10:18:08 16 My husband's name is John Livingston. He works at
10:18:13 17 Titus County Sheriff's Office as chief deputy for about 21
10:18:17 18 years.

10:18:17 19 And about 20 years ago I served on a criminal case
10:18:21 20 in Titus County.

10:18:22 21 THE COURT: That's your only jury service?

10:18:24 22 JUROR LIVINGSTON: Yes, sir.

10:18:25 23 THE COURT: Thank you, ma'am.

10:18:26 24 Next is No. 33, Mr. Baker.

10:18:28 25 JUROR BAKER: My name is Caleb Baker. I live in

10:18:32 1 Pittsburg, Texas. I work at Pittsburg Steel as a
10:18:36 2 programming and head of IT. I've been there about three
10:18:36 3 years now. I started there when I graduated college from
10:18:39 4 Texas A&M Commerce with my computer science degree.

10:18:45 5 My wife's name is Tori. She's currently in school
10:18:48 6 to be a teacher right now. She's been there for three
10:18:51 7 years, about, so she's graduating this year.

10:18:53 8 And I've never served on a jury before.

10:18:55 9 THE COURT: All right. Thank you.

10:18:56 10 Next is No. 34, Ms. McClain.

10:18:59 11 JUROR MCCLAIN: My name is Kathy McClain. I live
10:19:02 12 in Gilmer, Texas. I have no children. I have two
10:19:06 13 stepchildren. I was employed as an elementary classroom
10:19:11 14 teacher, and I'm retired now. And I did it for 32 years.

10:19:15 15 I have a Master's of Education and specialty is
10:19:20 16 supervision.

10:19:21 17 My husband's name is James. He was a postal clerk
10:19:26 18 for the United States Postal Service for 36 years.

10:19:29 19 And I've never had any prior jury service. I was
10:19:32 20 selected, but both the cases I was chosen for were settled
10:19:37 21 out of court.

10:19:39 22 THE COURT: All right. Thank you very much.

10:19:40 23 Next is No. 35, Mr. Galusha.

10:19:42 24 JUROR GALUSHA: Yes, sir. My name is Keith
10:19:45 25 Galusha. I have five children, two are grown. My place of

10:19:48 1 employment is the City of Longview. I'm the supervisor of
10:19:51 2 the street department. As of tomorrow, I've been there 18
10:19:56 3 years.

10:19:56 4 My education is high school. I served four years
10:20:00 5 active duty in the Marine Corps.

10:20:02 6 My spouse's name is Elizabeth. She is the -- my
10:20:06 7 homemaker and the educator of our children. And she's put
10:20:09 8 up with me for 20 years.

10:20:11 9 My prior jury -- jury service is traffic court in
10:20:14 10 the City of Longview.

10:20:15 11 THE COURT: How long ago was that?

10:20:17 12 JUROR GALUSHA: 10 years ago.

10:20:18 13 THE COURT: All right. Thank you very much.

10:20:19 14 Next is No. 36, Ms. Oliver.

10:20:23 15 JUROR OLIVER: My name is Virginia Oliver. I live
10:20:26 16 here in Marshall, Texas. I have one grown stepchild. I
10:20:29 17 work at Walmart. I have held various positions there. I'm
10:20:33 18 currently in the vision center as an optician. I've been
10:20:36 19 there for 32 years.

10:20:38 20 I have a high school diploma.

10:20:41 21 My spouse's name is Steve. He retired from Radio
10:20:46 22 Shack with 20-plus years. He currently is a driver for an
10:20:49 23 oversized escort service.

10:20:52 24 And I've done one criminal case about five years
10:20:55 25 ago here in Harrison County.

10:20:56 1 THE COURT: Thank you very much, ma'am.

10:20:57 2 Next is No. 37, Ms. Strawn.

10:21:02 3 JUROR STRAWN JACKSON: It's Jackson.

10:21:04 4 THE COURT: Jackson. Okay. Thank you.

10:21:05 5 JUROR STRAWN JACKSON: My name is Malena Jackson.

10:21:07 6 I live in Hughes Springs. I've lived there going on 22
10:21:10 7 years now. I work for the Springs Nursing Center. I'm the
10:21:14 8 environmental specialist. I'm the housekeeping laundry
10:21:17 9 supervisor basically. Been doing nursing home work for 33
10:21:20 10 years. I got one living child and one deceased child.

10:21:24 11 Divorced.

10:21:25 12 And never done jury service.

10:21:27 13 THE COURT: All right. Thank you very much,
10:21:29 14 ma'am.

10:21:29 15 Next is No. 38, Ms. Neal.

10:21:33 16 JUROR NEAL: My name is Verna Neal. I live in
10:21:36 17 Queen City, Texas. I have three children, three
10:21:40 18 grandchildren.

10:21:41 19 THE COURT: Ms. Neal, could you -- Ms. Neal, could
10:21:42 20 you hold the microphone up?

10:21:44 21 JUROR NEAL: Oh, I'm sorry.

10:21:45 22 THE COURT: That's fine.

10:21:46 23 JUROR NEAL: My last place I worked -- I worked --
10:21:48 24 I retired from Bloomburg High School ISD as a cafeteria
10:21:56 25 worker. And I live -- I worked there for five years before

10:21:59 1 I retired.

10:22:00 2 I have some -- I graduated from Brightstar High
10:22:07 3 School in Brightstar, Arkansas. I have a college degree.

10:22:11 4 My spouse's name is Edward Louis Neal. He retired
10:22:15 5 from Cooper Tire in Texarkana, Arkansas. He had worked
10:22:21 6 there for over 20-plus years.

10:22:23 7 I have had some service -- jury service for
10:22:27 8 less -- oh, about 20 some-odd years or longer.

10:22:30 9 THE COURT: Where was that, ma'am?

10:22:32 10 JUROR NEAL: In Cass County.

10:22:33 11 THE COURT: All right. Do you remember if it was
10:22:34 12 a civil case or a criminal case?

10:22:36 13 JUROR NEAL: One of them was a civil case, because
10:22:41 14 they were suing someone.

10:22:42 15 THE COURT: But it's been over 20 years?

10:22:46 16 JUROR NEAL: It's been over 20-plus years, I know.

10:22:48 17 THE COURT: Okay. Thank you, Ms. Neal.

10:22:50 18 JUROR NEAL: Uh-huh.

10:22:51 19 THE COURT: Next is No. 39, Mr. Martin.

10:22:54 20 JUROR MARTIN: My name is Walter Martin. I live
10:22:57 21 in Hughes Springs. No children. Retired from Exxon Mobil
10:23:01 22 after 30 years, but I'm back working contract in accounting
10:23:04 23 on -- working from home, so doing some special project work
10:23:08 24 for them. Same thing I did before I retired, really, but
10:23:12 25 been doing that for two years.

10:23:16 1 I got a BBA in accounting.

10:23:18 2 My spouse's name is Jill Martin. She's a retired
10:23:22 3 accountant also. She did payroll accounting for central --
10:23:28 4 it was the last place she worked, and retired back in 2011
10:23:30 5 or something like that.

10:23:34 6 And prior jury service, 30 years ago on a criminal
10:23:37 7 case, Morris County; 20-something years ago in Dallas
10:23:41 8 County; and a civil case with Bank of America; and then
10:23:46 9 another civil case in Midland that got -- like one of the
10:23:49 10 other ladies said, we got ready to go to trial, and they
10:23:52 11 settled out of court.

10:23:54 12 THE COURT: All right. Thank you, Mr. Martin.

10:23:56 13 Next is No. 40, Mr. Ball.

10:23:59 14 JUROR BALL: My name is Michael Ball. I live in
10:24:04 15 Jefferson, Texas. I have two sons, two daughters. I'm
10:24:09 16 employed with Ryder Truck Rentals in Texarkana, Arkansas.
10:24:15 17 I've been with them for 36 years.

10:24:17 18 I did not graduate high school. I went to 11th
10:24:20 19 grade.

10:24:21 20 My spouse's name is Josie. She's employed with
10:24:25 21 the First National Bank in Jefferson, Texas. She's a loan
10:24:29 22 processor. She's been there for 15 years.

10:24:32 23 And I have no prior jury service.

10:24:34 24 THE COURT: All right. Thank you, Mr. Ball.

10:24:37 25 Thank you very much, ladies and gentlemen.

10:24:42 1 Now, I need to say a couple more things to you
10:24:46 2 before I turn the questioning over to the lawyers.

10:24:49 3 The jurors that will be selected to serve in this
10:24:52 4 case will serve in the role as the judges of the facts, and
10:24:58 5 the jurors will make the sole determination about what the
10:25:00 6 facts are in this case.

10:25:01 7 My job as the Judge is to rule on questions of
10:25:05 8 law, evidence, and procedure; to maintain the decorum of
10:25:09 9 the courtroom; and to oversee the flow of the evidence in
10:25:11 10 the trial.

10:25:13 11 Also, I want to say a couple things to you about
10:25:15 12 our judicial system that I hope will put things in a proper
10:25:19 13 perspective. In every jury trial, including this one,
10:25:24 14 besides the parties themselves, there are always three
10:25:26 15 participants, the jury, the judge, and the lawyers.

10:25:31 16 With regard to the lawyers, I think it's important
10:25:34 17 for each of you to understand that our American judicial
10:25:39 18 system is an adversary system, which simply means that
10:25:42 19 during the trial of each case, the parties will seek to
10:25:47 20 present their respective cases to the jury in the very best
10:25:51 21 light possible.

10:25:51 22 Now, it's no surprise to any of you that lawyers
10:25:55 23 are sometimes criticized in the media and in the public,
10:25:59 24 but the Court's observed that at least some of that
10:26:01 25 criticism comes from a basic misunderstanding of our

10:26:05 1 adversary system in which the lawyers act as competing
10:26:09 2 advocates for the parties. And as an advocate, a lawyer is
10:26:14 3 ethically and legally obligated to zealously assert his or
10:26:21 4 her client's position under the rules of our adversary
10:26:24 5 system.

10:26:24 6 And by presenting the best case possible for their
10:26:27 7 clients, the lawyers hopefully will enable the jury to
10:26:30 8 better weigh the relevant evidence to determine the truth
10:26:34 9 and arrive at a just verdict based on that evidence.

10:26:37 10 Now, this American system of justice has served
10:26:41 11 our country well for over 200 years, and America's lawyers
10:26:45 12 have always been and will continue to be an indispensable
10:26:50 13 part of that process.

10:26:51 14 So as we go forward, even though it's possible
10:26:55 15 over the course of this trial I might frown or even grumble
10:26:59 16 at the lawyers from time to time, it's simply because I'm
10:27:01 17 trying to make sure that their advocacy doesn't get outside
10:27:05 18 the bounds of our adversary system and the rules of the
10:27:11 19 court.

10:27:12 20 But please keep in mind, ladies and gentlemen,
10:27:14 21 they are doing their jobs, and I think it's important for
10:27:16 22 all of you to be aware of that as we go forward.

10:27:19 23 Also, ladies and gentlemen, I want you to
10:27:21 24 understand as we go forward, I am going to do my very best
10:27:24 25 to make sure that no one on the jury has any idea about

10:27:29 1 what I think about the evidence in this case, because
10:27:33 2 evaluating the evidence and determining what the facts are
10:27:36 3 in this case is the -- is the job of the jury. It's not my
10:27:40 4 job.

10:27:40 5 So you -- if you're selected to serve on this
10:27:44 6 jury, you should not take anything you think you hear or
10:27:48 7 see as coming from me as something to take into account in
10:27:51 8 making your ultimate decision about what the facts are in
10:27:54 9 this case.

10:27:56 10 All right. At this time, the lawyers are going to
10:27:59 11 examine the panel from the podium. We'll begin with the
10:28:03 12 Plaintiff.

10:28:03 13 Ms. Smith, you may address the panel on behalf of
10:28:06 14 the Plaintiff.

10:28:07 15 MS. SMITH: Thank you, Your Honor.

10:28:07 16 THE COURT: Would you like a warning on your time?

10:28:10 17 MS. SMITH: Your Honor, if I may have a warning at
10:28:12 18 five minutes and one minute, please.

10:28:14 19 THE COURT: All right. You may proceed when
10:28:16 20 you're ready.

10:28:17 21 MS. SMITH: Thank you.

10:28:17 22 May it please the Court.

10:28:32 23 THE COURT: Please proceed.

10:28:33 24 MS. SMITH: Good morning, everyone. Again, my
10:28:37 25 name is Melissa Smith, and I'm here today representing the

10:28:40 1 Plaintiff, GREE.

10:28:41 2 Now, the first thing I'm going to do and probably
10:28:44 3 the most important thing I'll do all day is thank you for
10:28:46 4 your service on behalf of my client.

10:28:50 5 I looked yesterday, some of you are coming from as
10:28:54 6 far as Omaha and Big Sandy and Gilmer. And when I woke up
10:28:58 7 this morning when I was getting ready, it was pouring down
10:29:03 8 rain. And so I know some of you didn't have a very easy
10:29:03 9 commute this morning.

10:29:04 10 I also know that even before your service actually
10:29:06 11 started, even before you got here today -- because you
10:29:09 12 filled out those pretty lengthy questionnaires for us -- I
10:29:12 13 know that doing these things takes time away from your
10:29:16 14 friends, your family, and your work. And on behalf of my
10:29:19 15 client, we appreciate it.

10:29:20 16 Now, you all have been generous in answering a few
10:29:25 17 personal questions about yourself, and I'm going to have a
10:29:26 18 few more questions for you, but before I dive into those,
10:29:28 19 I'll tell you a little bit about myself.

10:29:30 20 I went to University of Texas at Austin undergrad,
10:29:35 21 and then, like Judge Gilstrap, I went on to Baylor Law
10:29:39 22 School. That was about 23 years ago.

10:29:41 23 From Baylor Law School, I moved to Jefferson,
10:29:44 24 Texas. I still live in Jefferson, Texas. I started
10:29:47 25 practicing law here in Marshall, Texas.

10:29:49 1 My boss, the gentleman that hired me, his name is
10:29:52 2 Gil Gillam. We -- after about eight years, I turned into
10:29:56 3 his law partner instead of having him as my boss. And
10:30:01 4 we've actually practiced together for each of my 23 years.
10:30:05 5 Our law firm is Gillam & Smith. And some of you may have
10:30:08 6 seen it when you drive to this courthouse. It's the old
10:30:11 7 yellow Victorian building that sits right behind this
10:30:15 8 courthouse.

10:30:15 9 Personally, I am married. My husband is mostly --
10:30:18 10 I say mostly retired law enforcement. He still holds his
10:30:21 11 commission. But we have a seven-year-old girl in second
10:30:25 12 grade and a nine-year-old boy in fourth grade. And so even
10:30:28 13 though he holds that commission, for the last few months,
10:30:31 14 he's been mostly homeschooling our kids until we could
10:30:34 15 finally get them back in school.

10:30:36 16 Now, His Honor gives us about three minutes to
10:30:42 17 introduce -- to further introduce our client to you and our
10:30:45 18 case. And so I'm going to take that opportunity.

10:30:47 19 Our client, again, is GREE, and that's G-R-E-E.
10:30:51 20 It's just like green without the N. I don't want anybody
10:30:56 21 to get confused that it's not the air conditioning company
10:30:59 22 by the same name that's fairly common. GREE is actually a
10:31:03 23 pioneering video game and entertainment company based out
10:31:07 24 of Tokyo, Japan.

10:31:09 25 GREE has about 1,700 employees, but more

10:31:14 1 interestingly, GREE has about a few over 1,500 patents and
10:31:19 2 patent applications worldwide.

10:31:21 3 And so, to understand how they came to having that
10:31:25 4 many patents and the history of GREE's innovation, you
10:31:29 5 actually have to go back -- and some of you are young, you
10:31:32 6 might not be able to do this, but I can, you have to go
10:31:35 7 back to the early 2000s and look at what was happening in
10:31:38 8 2000 -- in the early 2000s with social media.

10:31:42 9 It was just kicking off, and I think some of you
10:31:44 10 will remember MySpace. That may ring a bell. I see
10:31:48 11 some -- some heads shaking.

10:31:50 12 No. 7.

10:31:52 13 And video gaming at that time, for those of you
10:31:54 14 with grown kids, you can probably look back to that time
10:31:57 15 and remember video games were always on consoles, your Xbox
10:32:01 16 or your Nintendo. Playing multi-player games meant you
10:32:05 17 were sitting beside your buddy and you both had a control.

10:32:08 18 Games were expensive, too. I was -- you know, I'd
10:32:11 19 asked my parents for a game, and, you know, if I was lucky
10:32:15 20 enough to go to GameStop or Walmart or something like that,
10:32:18 21 they weren't -- they certainly weren't the price of games
10:32:22 22 nowadays. They would be 40 and \$50.00.

10:32:24 23 And so GREE saw that, and GREE came along and they
10:32:29 24 actually started -- the company started as a social media
10:32:32 25 platform in Japan in 2004. But they saw an opportunity to

10:32:36 1 create kind of a brand-new way of communicating through
10:32:40 2 multi-player social video games, played on multi -- on
10:32:49 3 mobile devices.

10:32:49 4 And whether coincidence or not, the timing was
10:32:53 5 unbelievable because that was right at about the time that
10:32:57 6 smartphones were gaining in popularity.

10:33:00 7 And so GREE went on to release the first mobile
10:33:03 8 social game, and that was in 2007. It was actually a
10:33:07 9 fishing game called Fishing Star. And that gives you a
10:33:11 10 little -- a little history of GREE.

10:33:12 11 So you ask why -- why are we here today? It's --
10:33:15 12 now you heard we've got a patent case on our hands. It's a
10:33:17 13 patent case where five U.S. patents that were awarded to
10:33:23 14 GREE are at issue.

10:33:25 15 Now, the patents in this case, we're going to fast
10:33:28 16 forward from that history of GREE that I gave you, and the
10:33:30 17 patent -- the five patents, the U.S. patents GREE has in
10:33:34 18 this case are some of their more recent inventions, and
10:33:40 19 they're inventions that actually -- I call it increase user
10:33:45 20 engagement in something called freemium games.

10:33:49 21 And some of you in your questionnaires had some
10:33:50 22 mention of freemium games. So some of you are familiar
10:33:52 23 with those.

10:33:55 24 Long gone are the days where you go to GameStop
10:33:58 25 and pay \$50.00 for the game, get it home, decide you don't

10:34:01 1 really like it and you wasted \$50.00.

10:34:04 2 Now we have the luxury of trying -- trying before
10:34:06 3 you buy many, many games. They're free on our mobile
10:34:09 4 devices, and then you have an opportunity to -- to pay some
10:34:13 5 extra money to gain additional features or additional
10:34:17 6 functions and services with those games.

10:34:19 7 And that's what GREE's technology and their
10:34:23 8 inventions and the five U.S. patents relate to.

10:34:26 9 So we're here because it's our position that
10:34:30 10 Supercell, sitting here at the Defense table, is
10:34:33 11 trespassing or is using each of our five patents without
10:34:37 12 permission. And they're doing that through selling games
10:34:41 13 in the U.S. called Clash of Clans, Clash Royale, and Brawl
10:34:48 14 Stars.

10:34:48 15 We believe that Supercell has, quite frankly, and
10:34:53 16 I don't -- I don't think anyone is going to dispute this,
10:34:56 17 has made a tremendous amount of money from these games.

10:34:59 18 So our case is first going to involve showing you
10:35:04 19 that Supercell has trespassed on our patents, and the
10:35:07 20 second thing we're going to do is sort through that
10:35:09 21 tremendous amount of money and try to figure out what
10:35:12 22 portion of that money is due to GREE's five U.S. patents.

10:35:18 23 THE COURT: We need to proceed with specific
10:35:20 24 questions.

10:35:21 25 MS. SMITH: Thank you, Your Honor.

10:35:21 1 Now, just like life, lawsuits aren't one size fits
10:35:27 2 all. So what I'm going to do is I'm going to ask you some
10:35:30 3 questions now, as the Judge just told you, to get to know
10:35:33 4 you better and to try to figure out for a reason personal,
10:35:38 5 religious, life experience, you might not be the best fit
10:35:42 6 for this case.

10:35:42 7 And sometimes jurors tell me I'm really -- I was
10:35:45 8 really hesitant to offer this opinion or to tell you this,
10:35:48 9 and I'll tell you, if you're not the best fit for this
10:35:51 10 case, I would rather know today than after you have to
10:35:54 11 serve on a jury and I find that out a week later.

10:35:57 12 And I see some of you shaking your heads, and so I
10:36:00 13 appreciate that.

10:36:00 14 I'm going to start with an easy question, and I'm
10:36:03 15 go to ask you if any of you -- you heard the introductions
10:36:06 16 in court today -- if any of you knew anybody sitting at the
10:36:13 17 table of Defense counsel. And when I say "know," I mean in
10:36:16 18 the broadest sense.

10:36:16 19 I heard some of you folks are from Gilmer.
10:36:20 20 Mr. Dacus is originally from -- from Gilmer. He lives in
10:36:23 21 Tyler now. He's married to another lawyer, Shannon Dacus.
10:36:26 22 By a showing of hands, does anyone know Mr. Dacus? I don't
10:36:31 23 see any hands.

10:36:32 24 Now, there's some other attorneys at the table
10:36:35 25 with Mr. Dacus, Mr. Mike Sacksteder and Mr. Bryan Kohm, and

10:36:41 1 they're here all the way from San Francisco. Does anyone
10:36:43 2 know these two gentlemen? Thank you.

10:36:45 3 Similar question about -- about jurors. Did
10:36:51 4 anybody show up today for jury duty and know someone else
10:36:55 5 on the panel? If you could raise your hand if that's the
10:36:57 6 case. This is always amazing to me. It reminds me what a
10:37:02 7 small community we have.

10:37:03 8 All right. I'm going to start with Ms. Smith, and
10:37:08 9 unfortunately for you we share a name and you're No. 1. So
10:37:08 10 I'm going to call on you probably a good bit over this time
10:37:12 11 and I apologize in advance.

10:37:15 12 But, Ms. Smith, if you could tell me who you knew
10:37:18 13 coming in today.

10:37:19 14 JUROR SMITH: Well, there's several. I worked
10:37:22 15 with the lady -- the juror, No. 4, I think. I worked with
10:37:25 16 her for several years.

10:37:26 17 MS. SMITH: Ms. Derrick?

10:37:27 18 JUROR SMITH: Uh-huh.

10:37:28 19 MS. SMITH: And where did you guys work together?

10:37:30 20 JUROR SMITH: North East Texas Credit Union.

10:37:32 21 MS. SMITH: Thank you.

10:37:33 22 JUROR SMITH: And I know Ms. Jones.

10:37:35 23 MS. SMITH: Okay. How do you know Ms. Jones?

10:37:37 24 JUROR SMITH: She -- my son and my daughter both
10:37:39 25 went through high school there. My son actually worked at

10:37:40 1 the high school with her for a little bit, and my sister
10:37:41 2 works there at the school district, also.

10:37:44 3 MS. SMITH: And that's in Hallsville or Harleton,
10:37:45 4 I can't remember?

10:37:46 5 JUROR SMITH: No, that's Hughes Springs.

10:37:48 6 MS. SMITH: Hughes Springs, I apologize.

10:37:48 7 JUROR SMITH: Uh-huh.

10:37:50 8 MS. SMITH: Okay. Okay.

10:37:51 9 JUROR SMITH: And the others I recognize names,
10:37:54 10 but I don't really know them.

10:37:55 11 MS. SMITH: Okay. They may help you out on that.

10:37:57 12 JUROR SMITH: Okay.

10:37:58 13 MS. SMITH: Thank you. Thank you, Ms. Smith.

10:37:59 14 All right. Other hands of people that we haven't
10:38:04 15 discussed with Ms. Smith -- I don't need to hear from
10:38:07 16 Ms. Derrick again, but I see one -- Juror No. 25,
10:38:14 17 Mr. Clubb?

10:38:15 18 JUROR CLUBB: No. 27 is my nephew.

10:38:18 19 MS. SMITH: All right. All right. What are the
10:38:20 20 chances? Thank you. I won't ask you how long you've known
10:38:23 21 him then. I'll skip that question.

10:38:25 22 All right. Anybody else? No. 16?

10:38:32 23 JUROR KNABENSHUE: I know Ms. Gleason right back
10:38:36 24 here. We -- we worked at the high school together.

10:38:36 25 THE COURT: Ma'am, would you mind standing up?

10:38:38 1 JUROR KNABENSHUE: Oh, I'm sorry.

10:38:39 2 THE COURT: That's fine. And do you mind pulling
10:38:42 3 your mask down?

10:38:45 4 JUROR KNABENSHUE: Barbara Gleason -- Barbara
10:38:45 5 Gleason --

10:38:45 6 THE COURT: Do you mind --

10:38:48 7 JUROR KNABENSHUE: -- works for Harleton also, and
10:38:50 8 I've worked with her -- there, I'll get it right in a
10:38:54 9 minute.

10:38:55 10 THE COURT: Thank you.

10:38:56 11 JUROR KNABENSHUE: I do this daily. I've worked
10:38:56 12 with Barbara Gleason at the Harleton High School. That's
10:39:00 13 the only one I know.

10:39:01 14 THE COURT: Thank you very much.

10:39:01 15 MS. SMITH: Thank you, Ms. Knabenshue.

10:39:03 16 Anybody else that I missed?

10:39:05 17 Juror No. 14?

10:39:09 18 JUROR EHRLISH: I know Tracy Jarvis.

10:39:14 19 MS. SMITH: Okay.

10:39:14 20 JUROR EHRLISH: I know Tracy Jarvis. She's a --
10:39:14 21 she's a high school friend.

10:39:15 22 THE COURT: Ma'am?

10:39:16 23 JUROR EHRLISH: I'm sorry.

10:39:16 24 JUROR SMITH: One more -- one more time,
10:39:17 25 everybody. Please stand up, please pull your mask down,

10:39:21 1 and please --

10:39:23 2 JUROR EHRLISH: I know him --

10:39:23 3 MS. SMITH: Okay. So you know Ms. Jarvis, No. 26,
10:39:23 4 from -- you graduated with her?

10:39:23 5 JUROR EHRLISH: High school, uh-huh.

10:39:28 6 MS. SMITH: Okay. And who is the second one? I
10:39:30 7 apologize.

10:39:30 8 JUROR EHRLISH: Steve McRight.

10:39:32 9 MS. SMITH: And how do you know Mr. McRight?

10:39:32 10 JUROR EHRLISH: Just -- just knowing him, going to
10:39:34 11 church.

10:39:34 12 MS. SMITH: Just growing up, okay. Thank you.

10:39:36 13 THE COURT: And let me interrupt for just a
10:39:38 14 second. Just so we don't have to repeat the instructions,
10:39:40 15 please wait until you get the microphone, please stand up,
10:39:43 16 please pull your mask down or take it off, answer the
10:39:47 17 question, put your mask back on, hand the microphone back,
10:39:51 18 and have a seat. Please do that with each answer to each
10:39:55 19 question.

10:39:55 20 Okay. Ms. Smith, please continue.

10:39:57 21 MS. SMITH: Thank you, Your Honor.

10:39:59 22 All right. When you arrived today, you heard a
10:40:02 23 little bit about the parties in the case, and they were
10:40:04 24 also listed in your questionnaire.

10:40:05 25 The Defendant here that's being accused of

10:40:08 1 infringement and trespass is Supercell. Prior to coming in
10:40:12 2 today, had any of you ever heard of Supercell? Showing of
10:40:17 3 hands?

10:40:18 4 Okay. Jury No. 33, Mr. Baker? Tell me a little
10:40:24 5 bit about what you know about Supercell.

10:40:28 6 JUROR BAKER: I was in high school I guess at the
10:40:30 7 time Clash of Clans came out, and I played it with a bunch
10:40:33 8 of friends in high school.

10:40:34 9 MS. SMITH: Okay.

10:40:34 10 JUROR BAKER: That's about it.

10:40:35 11 MS. SMITH: When was the last time you played
10:40:37 12 Clash of Clans?

10:40:37 13 JUROR BAKER: Maybe a year ago, maybe a year and a
10:40:41 14 half ago.

10:40:41 15 MS. SMITH: Thank you, sir.

10:40:42 16 And, Ms. Smith, I may not have gotten this right,
10:40:45 17 but I saw on your questionnaire you might have said your
10:40:49 18 son played Clash of Clans; is that correct?

10:40:50 19 JUROR SMITH: Yes, ma'am.

10:40:51 20 MS. SMITH: Did you ever play with him -- I -- I
10:40:54 21 apologize, I'm not waiting for the mic, Your Honor.

10:40:57 22 THE COURT: We need a -- we need a verbal answer
10:40:59 23 so we can get it on the record.

10:41:02 24 JUROR SMITH: My son did say that he played. I
10:41:04 25 didn't have a clue that it was Supercell. And I did not

10:41:08 1 play with him. That is not my --

10:41:08 2 MS. SMITH: So you're not coming into the
10:41:10 3 courtroom with any special knowledge of the game?

10:41:12 4 JUROR SMITH: No.

10:41:13 5 MS. SMITH: Thank you. Thank you, ma'am.

10:41:14 6 Now, I'm going to switch up the question a little
10:41:16 7 bit. I was surprised at how many of you had somewhat
10:41:21 8 negative opinions of video games generally in filling out
10:41:26 9 your questionnaires.

10:41:27 10 And so as you can imagine, that's something that
10:41:29 11 might concern me because I represent a game maker. The bad
10:41:33 12 news for those of you that have negative opinions is
10:41:37 13 there's game makers on both sides.

10:41:39 14 So if I could have a showing of hands -- and I'm
10:41:41 15 going to start on Ms. Smith's row, the front row, of those
10:41:44 16 of you that have generally a negative opinion of video
10:41:46 17 games.

10:41:46 18 Anyone on the front row?

10:41:48 19 Ms. Hopkins, I haven't -- I know you're not
10:41:55 20 raising your hand, but I haven't yet spoken with you.

10:42:00 21 May she have the mic, please?

10:42:05 22 COURT SECURITY OFFICER: Which number?

10:42:06 23 MS. SMITH: I'm sorry, 2 -- No. 2.

10:42:09 24 Ms. Hopkins, do you have an opinion one way or
10:42:11 25 another that you come into the courtroom with about video

10:42:14 1 games?

10:42:15 2 JUROR HOPKINS: No, not at all.

10:42:16 3 MS. SMITH: No? Okay.

10:42:16 4 JUROR HOPKINS: I mean --

10:42:17 5 MS. SMITH: Have you spent any time playing them?

10:42:20 6 JUROR HOPKINS: Yes, I play them. I play them

10:42:22 7 with my daughter.

10:42:22 8 MS. SMITH: Okay. How old is your daughter?

10:42:25 9 JUROR HOPKINS: She's 27.

10:42:26 10 MS. SMITH: Okay. What games do you guys play

10:42:27 11 together?

10:42:28 12 JUROR HOPKINS: Every game. I can't think of all

10:42:29 13 the names. We play a lot of games together.

10:42:30 14 MS. SMITH: Do you mostly play consoles, or do you

10:42:33 15 do the social gaming --

10:42:34 16 JUROR HOPKINS: Both.

10:42:35 17 MS. SMITH: Okay. So you're familiar with playing

10:42:37 18 games using mobile iPad --

10:42:39 19 JUROR HOPKINS: PlayStation, Xbox, we play all of

10:42:42 20 those.

10:42:42 21 MS. SMITH: Okay. And mobile devices, as well?

10:42:44 22 JUROR HOPKINS: Yes.

10:42:45 23 MS. SMITH: Thank you. I apologize for calling on

10:42:49 24 you, but I appreciate it.

10:42:50 25 MS. HOPKINS: No problem.

10:42:50 1 MS. SMITH: All right. Let's go to the second
10:42:51 2 row. I will call it Juror No. 7, Ms. Griffin's row.
10:42:55 3 Anybody on that second row that has generally kind of a
10:42:58 4 negative opinion of video games?

10:43:02 5 Juror No. 8, Ms. Jones? Why don't you tell me
10:43:07 6 where that opinion comes from.

10:43:08 7 JUROR JONES: I have 12 grandchildren, the last --
10:43:14 8 a little over a year. My daughter and her family lived --
10:43:19 9 lived with us while they were building a house. My three
10:43:24 10 grandchildren, 9, 11, and now 15 were -- are big gamers.

10:43:31 11 And when your nine-year-old grandson says he wants
10:43:36 12 to kill himself because he's playing a violent game and his
10:43:40 13 brother's keep killing him, it's very disheartening. And I
10:43:47 14 tried to tell him and his father and his mother that life
10:43:53 15 is not a game. And if you kill yourself, you die. And
10:43:58 16 there's no do-overs.

10:44:01 17 And after that happened, the games were taken out
10:44:05 18 of my house, and life got better. And they started playing
10:44:12 19 again and being children again. And it just is very
10:44:20 20 concerning that there's evil in them.

10:44:23 21 MS. SMITH: And I -- I can't tell you how much
10:44:25 22 I -- I appreciate your honesty. And I think what I'm
10:44:29 23 probably hearing you say is that this -- this isn't the
10:44:32 24 right case for you to sit on.

10:44:33 25 JUROR JONES: It is not.

10:44:35 1 MS. SMITH: And not only because of your feelings
10:44:36 2 but because of the emotion --

10:44:38 3 JUROR JONES: Yes.

10:44:38 4 MS. SMITH: -- that it would bring related to our
10:44:41 5 grandkids --

10:44:42 6 JUROR JONES: Yes, true.

10:44:43 7 MS. SMITH: Thank you, ma'am. I appreciate it.

10:44:45 8 Juror No. 9, Ms. Arnold?

10:44:55 9 JUROR ARNOLD: I kind of have the same feeling she
10:44:56 10 does. I have six small grandchildren, all under the age of
10:45:00 11 12. And I know their parents all -- which are my daughters
10:45:04 12 and their husbands -- have had issues with language and
10:45:04 13 with violence.

10:45:14 14 And I don't allow them in my house. I don't like
10:45:18 15 them. I think children should play and not play on a video
10:45:19 16 game all day. And as my two oldest grandsons, 12 and 10,
10:45:22 17 get older, they're more involved in these games. And I
10:45:27 18 know my daughters have both talked to me about concerns
10:45:29 19 about the games and things that they're learning from these
10:45:32 20 video games.

10:45:33 21 And like one little boy went around the house all
10:45:37 22 day saying, I've got to kill the Zombies, I've got to kill
10:45:41 23 the Zombies. And it just -- I just don't like them. I
10:45:44 24 just have to be frank and honest. I do not like video
10:45:49 25 games. I've never played them. I played Mario --

10:45:53 1 MS. SMITH: Mario.

10:45:55 2 JUROR ARNOLD: -- when it first came out, and
10:45:56 3 that's the only video game I know or played. But my
10:46:00 4 grandsons and my grandchildren can tell you about them, and
10:46:02 5 they can tell you that their parents don't allow very many
10:46:05 6 of them at all in their homes.

10:46:07 7 MS. SMITH: So I think -- I think, Ms. Arnold,
10:46:09 8 you'd probably join Ms. Jones in saying you're probably not
10:46:12 9 the right fit for --

10:46:14 10 JUROR ARNOLD: I don't think so, because I do not
10:46:16 11 like video games.

10:46:17 12 MS. SMITH: And because this ultimately is a case
10:46:20 13 where there would be some money potentially paid, you --
10:46:24 14 you probably couldn't be fair in awarding any kind of money
10:46:29 15 to --

10:46:29 16 JUROR ARNOLD: No.

10:46:30 17 MS. SMITH: -- to a video game maker?

10:46:32 18 JUROR ARNOLD: I don't even know about the games,
10:46:34 19 the names, the prices, I don't know any of that, because I
10:46:36 20 never allowed it. My girls were already grown by the time
10:46:42 21 the video game -- besides for Donkey Kong and Mario, that's
10:46:45 22 all we -- and PacMan.

10:46:46 23 MS. SMITH: Thank you. Thank you.

10:46:47 24 JUROR ARNOLD: Thank you.

10:46:48 25 MS. SMITH: Thank you.

10:46:48 1 Continuing on, down the second row, anybody else
10:46:52 2 have any negative opinions they'd like to share with me
10:46:56 3 about video games?

10:47:03 4 Juror No. 11, Ms. Leathers.

10:47:07 5 JUROR LEATHERS: Mine is just I have a
10:47:10 6 five-year-old. So we just really limit tablet time and
10:47:13 7 game time. So we don't do tablet during the week because
10:47:16 8 he just started school, so I don't think he needs it. And
10:47:16 9 then just -- knowing in the future just limiting the
10:47:20 10 violence he's exposed to I guess.

10:47:20 11 MS. SMITH: Okay. Thank you, thank you, ma'am.

10:47:22 12 Anybody else in the rest of the second row?

10:47:28 13 Yes, ma'am? Juror No. 7, Ms. Griffin?

10:47:32 14 JUROR GRIFFIN: My opinion about -- about it is --
10:47:36 15 is kind of flip flop. I think it should be a monitored
10:47:39 16 thing, and the negative about it is it does take its --
10:47:46 17 it's time-consuming and, you know, for children doing other
10:47:50 18 things.

10:47:51 19 MS. SMITH: There's a lot of screen time right now
10:47:53 20 with homeschooling, as well, I can tell you firsthand.

10:47:57 21 JUROR GRIFFIN: I used to play, but I don't -- I
10:47:59 22 don't anymore. I don't at all anymore.

10:48:02 23 MS. SMITH: What did you play when you used to
10:48:03 24 play?

10:48:04 25 JUROR GRIFFIN: Well, it was, you know, back in

10:48:07 1 the old days of Donkey Kong and Space Invaders and things
10:48:13 2 like that.

10:48:13 3 MS. SMITH: Those are things I'm familiar with.

10:48:15 4 JUROR GRIFFIN: Like the space games.

10:48:17 5 MS. SMITH: Thank you. Thank you, ma'am.

10:48:19 6 Now, I am going to skip to the third row led by
10:48:23 7 Juror No. 14, Ms. Ehrlish.

10:48:25 8 Anyone on that row have -- I see a shake --
10:48:29 9 No. 17, Ms. Norris? What can you tell me about your
10:48:33 10 feelings about video games?

10:48:36 11 JUROR NORRIS: Well, when my children were young,
10:48:39 12 they played them. I let them. They spent more time
10:48:43 13 playing these games and not wanting to go outside and play.
10:48:47 14 I finally had to throw them in the trash so I could get
10:48:50 15 them to go outside.

10:48:51 16 And still today, since they're grown, they still
10:48:54 17 want to play them. I can't get them to do nothing else,
10:48:58 18 unless my youngest one, if the fire department gets a call,
10:49:02 19 he gone. If I need him to do something around the house,
10:49:07 20 oh, mom, I'll get it later or in a minute. He's still
10:49:10 21 either playing or watching TV. And I'm ready to chunk them
10:49:15 22 out the door, even my TVs.

10:49:17 23 MS. SMITH: Well, so you tell me, ma'am, in your
10:49:20 24 heart of hearts, do you think that would -- would that
10:49:23 25 prevent you from being fair to a video game maker that's

10:49:26 1 here --

10:49:27 2 JUROR NORRIS: I do play a video game with my
10:49:29 3 kids -- my son now, and I'm ready to take it off because
10:49:33 4 all it is is violence, and it's getting worse.

10:49:38 5 MS. SMITH: And what video game is that that you
10:49:40 6 play?

10:49:40 7 JUROR NORRIS: aBANDoned. And if they would put
10:49:44 8 out some good games where there's no violence. Kids, they
10:49:47 9 get bored of them, they quit playing them.

10:49:50 10 MS. SMITH: Thank you, ma'am.

10:49:51 11 JUROR NORRIS: Thank you.

10:49:52 12 MS. SMITH: I appreciate your honesty.

10:49:54 13 JUROR NORRIS: Sure.

10:49:54 14 MS. SMITH: All right. Juror No. 18, I can't tell
10:49:58 15 if you're swatting the AC or you're raising your hand. I
10:50:02 16 apologize.

10:50:03 17 JUROR PRICE: Yes.

10:50:03 18 MS. SMITH: Ms. Price.

10:50:05 19 JUROR PRICE: Yes. My son was like I guess eight
10:50:09 20 years old when I bought him a game system, and today he's
10:50:12 21 30 years old and he's still in that game system.

10:50:14 22 I mean, I can go visit -- I just told him last
10:50:17 23 week, I think, that's the worst thing I ever did in my life
10:50:21 24 was buy you that game system. He have kids, he don't have
10:50:25 25 time. He come in from work, and he go straight to that

10:50:29 1 video game. I -- I really do. I really hate I ever gave
10:50:33 2 him that first system. I really do.

10:50:35 3 MS. SMITH: Well, you know what question is coming
10:50:37 4 from me, I understand your aggravation, but -- but do you
10:50:40 5 think that that would prevent you from being fair to a game
10:50:43 6 maker who's here trying to seek damages for somebody
10:50:48 7 trespassing on their patents?

10:50:49 8 JUROR PRICE: Well, I -- I guess it's really
10:50:52 9 depend on what did they do to defend them. I mean, they're
10:50:57 10 messing with their patent. But I -- but I really don't
10:51:00 11 like video games, I tell you. I never played one before in
10:51:03 12 my life, and I don't never intend to play one.

10:51:06 13 MS. SMITH: Do you think, though, that you could
10:51:08 14 set aside your feelings about video games and just judge
10:51:12 15 whether or not these Defendants here are trespassing on
10:51:14 16 someone's patent in this case?

10:51:16 17 JUROR PRICE: I -- I really can't say because I
10:51:21 18 need to find out what the case is going to be about first.

10:51:23 19 MS. SMITH: Absolutely.

10:51:24 20 JUROR PRICE: And that's it.

10:51:25 21 MS. SMITH: Thank you, ma'am.

10:51:27 22 JUROR PRICE: Uh-huh.

10:51:27 23 MS. SMITH: Thank you.

10:51:28 24 All right. Anybody else, Ms. Patel, or Juror

10:51:32 25 No. 20?

10:51:34 1 And I'm going to -- I'm going to just do a
10:51:38 2 raise -- by raising your hand on the final three rows, if
10:51:41 3 you could just -- I'm not going to individually question
10:51:45 4 you, but if you could raise your hand if you have negative
10:51:48 5 opinions about video games.

10:51:50 6 Okay. Juror No. 28, 29, I'm not actually going to
10:51:54 7 visit with them. I'm just doing a -- because the good news
10:51:57 8 about being further back is you sometimes don't get
10:52:00 9 reached. So I'm not going to spend quite as much time with
10:52:03 10 you guys. But I want to know your opinion, so over on the
10:52:07 11 right-hand side who was raising their hands on negative
10:52:10 12 opinions. Juror No. 24.

10:52:14 13 JUROR NEAL: 38.

10:52:14 14 MS. SMITH: Thank you, ma'am. Thank you, thank
10:52:16 15 you.

10:52:16 16 Now, I'm going to go out on a limb here and see
10:52:21 17 who is left. Is there anyone out there that has positive
10:52:25 18 views of video games? All right. Help me out, Juror
10:52:29 19 No. 5, please? Tell me about those, Ms. McCoy.

10:52:35 20 JUROR THOMPSON MCCOY: I personally do not play
10:52:36 21 video games since I do not have enough time. I will
10:52:40 22 occasionally play things on my phone to -- you know, if I'm
10:52:43 23 stuck in an airport or something like that. But my son,
10:52:46 24 who is 11, is an avid gamer. I have very positive views on
10:52:53 25 it because I started him with a lot of knowledge of -- all

10:52:59 1 of the video games have ratings for age limits and what is
10:53:04 2 appropriate for them, and I started him on the LeapPad,
10:53:09 3 LeapFrog system when he was very young.

10:53:10 4 Those games are geared toward little kids. I
10:53:14 5 thought it was invaluable. It taught him so much. And as
10:53:19 6 he has gotten older, I've paid very close attention to the
10:53:24 7 games that he plays because there are so many games.

10:53:27 8 And I know you can say, oh, they get bored with
10:53:31 9 them. There's a lot of games out there, all the Lego games
10:53:33 10 out there that are on video. Because he plays with Legos,
10:53:37 11 he played with the games, and a lot of them interact.

10:53:40 12 The Disney Infinity I wish they stop -- or had not
10:53:43 13 stopped that because it allows the kids to be so creative.
10:53:48 14 And my son does a lot of stop motion stuff himself with his
10:53:54 15 phone, and the apps that -- that are into it -- so, I mean,
10:53:59 16 they -- eye-hand coordination that goes into it I think it
10:54:03 17 actually has taught him a lot. Because as we go into the
10:54:07 18 future, they're going to need it. So that's my personal
10:54:09 19 view on that.

10:54:10 20 MS. SMITH: Thank you, Ms. McCoy.

10:54:11 21 Is there anybody else that agrees with Ms. McCoy?

10:54:17 22 Let's go to Juror No. 7 first, please.

10:54:21 23 Ms. Griffin?

10:54:23 24 JUROR GRIFFIN: There are a lot of pros and cons
10:54:26 25 like just like the questions you were asking. And I think

10:54:31 1 one of the pros is just what she said, you know, the eye
10:54:35 2 coordination, hand coordination, you know, the mind --
10:54:39 3 keeping their mind moving, you know, it's -- I think it can
10:54:44 4 be -- I think it could be very good for even elderly folks
10:54:48 5 that are, you know -- have mental -- you know, like
10:54:51 6 forgetfulness and things like that because there are games
10:54:55 7 that, you know, you can play that ask you to remember where
10:54:59 8 things are. Things like Minecraft.

10:55:03 9 MS. SMITH: Right. We play a lot of that at my
10:55:05 10 house. Thank you.

10:55:08 11 Juror No. 12, Ms. Johnson. You know why I'm
10:55:14 12 asking you this question, you're a high school principal?

10:55:18 13 JUROR JOHNSON: Elementary.

10:55:19 14 MS. SMITH: Elementary, I'm sorry. I think we
10:55:19 15 have a mutual friend in Jennifer Truelove.

10:55:23 16 JUROR JOHNSON: Yes.

10:55:23 17 MS. SMITH: You're in charge of Saturday school.

10:55:26 18 JUROR JOHNSON: Yes, yes.

10:55:27 19 MS. SMITH: Okay. Well, thank you for that.

10:55:29 20 Thank you for that.

10:55:30 21 I want to know, you see all kinds of kids, what
10:55:33 22 are your views on video games?

10:55:35 23 JUROR JOHNSON: Oh, my. I'm not going to be a
10:55:37 24 hypocrite. As an elementary principal, I use it as an
10:55:41 25 incentive. Out of my activity fund I pay for a game bus --

10:55:47 1 or game buses to come to the campus. It's a great
10:55:50 2 incentive tool to help kids stay focused or to give them --
10:55:56 3 help them to set goals.

10:55:56 4 And they already know when the game bus is coming,
10:55:58 5 and I mean they put forth that extra energy because it's
10:56:01 6 free, and so they get on there and they get to play all
10:56:04 7 kinds of games.

10:56:06 8 And my mother, who's deceased, she loved them.
10:56:10 9 God rest her soul. And I could never pull her off of them,
10:56:14 10 which I'm not a video game person.

10:56:16 11 I have a son, he's turning 15 next week. And he
10:56:20 12 loves them. So the only negative I would have is the cost.
10:56:24 13 So it just -- you know, he finishes with this game, he
10:56:28 14 wants something else. So --

10:56:30 15 MS. SMITH: Well, that's an interesting place to
10:56:32 16 end, thank you.

10:56:33 17 JUROR JOHNSON: And I will say this, the last
10:56:35 18 thing. Before I became a principal, I was an assistant
10:56:38 19 principal at Sam Houston Stem Academy.

10:56:42 20 MS. SMITH: Yes, ma'am.

10:56:43 21 JUROR JOHNSON: And we taught kids coding, and so
10:56:46 22 we're creating learners for the future. And so this was a
10:56:49 23 big part of coding, you know, when kids are really into
10:56:53 24 things like that, they want to create their own games, they
10:56:57 25 want to become inventors. So that's where I stand with it.

10:57:01 1 MS. SMITH: Thank you, thank you, I appreciate.

10:57:03 2 Now, Ms. Johnson brought up price, and that's what
10:57:06 3 I want to visit with you guys about. I described the
10:57:10 4 business model that GREE has contributed to inventing as
10:57:17 5 being freemium games. Does anyone have an experience with
10:57:21 6 freemium games where you get on your mobile device and you
10:57:23 7 can play for free?

10:57:25 8 Okay. Juror number -- I'm just going to see by
10:57:26 9 raising hands, No. 33 and -- I need my readers -- I need my
10:57:32 10 glasses, sorry.

10:57:32 11 THE COURT: 39.

10:57:32 12 MS. SMITH: 32. Okay, thank you all.

10:57:32 13 Juror No. 32, tell me a little bit about your
10:57:36 14 experience with freemium games.

10:57:36 15 JUROR LIVINGSTON: I just play online with my
10:57:44 16 nephew.

10:57:44 17 MS. SMITH: Okay.

10:57:45 18 JUROR LIVINGSTON: Play PUBG.

10:57:47 19 MS. SMITH: Play what?

10:57:49 20 JUROR LIVINGSTON: PUBG, PlayersUnknown
10:57:51 21 Battleground.

10:57:51 22 MS. SMITH: Any complaints about --

10:57:54 23 JUROR LIVINGSTON: No, we love it.

10:57:55 24 MS. SMITH: Okay. Thank you. Thank you.

10:57:56 25 Is there anybody familiar with the term open

10:58:01 1 source when talking about software? I see -- is it

10:58:05 2 Mr. Baker? Baker? 33. I'm learning your names.

10:58:09 3 All right. Anyone other than Mr. Baker that's

10:58:12 4 familiar with the term "open source"?

10:58:15 5 Okay. Juror No. 5. Mr. Frase. Mr. Frase, do you

10:58:26 6 have a daughter named Laura?

10:58:26 7 JUROR MARTIN: I do.

10:58:26 8 MS. SMITH: I believe my law partner coached her

10:58:29 9 in youth sports. Do you have any recollection of Gil

10:58:33 10 Gillam? Okay. Okay. Well, it's nice to see you. Gil

10:58:33 11 told me you'd be showing up today.

10:58:38 12 All right. There are people that when somebody's

10:58:44 13 phone breaks, they -- they hand it to their husband or

10:58:46 14 their friend or their -- you know, whatever, and say, hey,

10:58:48 15 can you -- can you help me out with this? And then there

10:58:52 16 are the people who get the phones handed to them that are a

10:58:56 17 little more tech savvy.

10:58:57 18 So what I'm looking for is I'm going to divide

10:59:00 19 you, just by raising hands, into two groups. The first

10:59:04 20 group is you're a little more -- you put yourself in a

10:59:06 21 group of a little more tech savvy than the next person.

10:59:09 22 You know, you're the one that fixes things around the

10:59:14 23 house -- I've already got No. 5 raising her hand. I knew

10:59:18 24 that. I knew that. A little more you're the person in the

10:59:20 25 household where people come to solve their technical

10:59:23 1 problems.

10:59:23 2 Starting with Ms. Smith, a raise of hands on the
10:59:27 3 first row.

10:59:27 4 Okay. I -- No. 5.

10:59:28 5 And then I haven't yet spoken with Juror No. 6,
10:59:32 6 Ms. Brown. Tell me why you say that.

10:59:34 7 JUROR BROWN: Well, actually, it's usually my
10:59:39 8 parents that call me for it.

10:59:42 9 MS. SMITH: Okay. Me, too.

10:59:44 10 JUROR BROWN: There's only two of us in our
10:59:46 11 household, so...

10:59:47 12 MS. SMITH: Okay.

10:59:48 13 JUROR BROWN: But my parents are always calling me
10:59:50 14 for -- whether it's on the computer, whether, you know,
10:59:52 15 it's the phone, any kind of tech problem.

10:59:54 16 MS. SMITH: And do you have special training or
10:59:56 17 just kind of would you call it on-the-job training, trial
11:00:00 18 and error?

11:00:00 19 JUROR BROWN: More on-the-job training. I worked
11:00:02 20 at Wadley Regional Medical Center for 16 and a half years
11:00:08 21 in the dietary department. And when they had -- they put
11:00:11 22 everything on the computer, they literally just handed me
11:00:15 23 the book and said, okay, if anything goes wrong, you figure
11:00:18 24 it out.

11:00:19 25 So I mean, I kind of just had to jump in and read

11:00:22 1 a lot and try to figure it all out, but no -- no real
11:00:26 2 training.

11:00:26 3 MS. SMITH: Thank you, Ms. Brown.

11:00:27 4 So Ms. McCoy and Ms. Brown on the front row would
11:00:32 5 say they're a little more tech savvy.

11:00:35 6 What about Juror No. 7 on the second row?

11:00:40 7 Juror No. 7, please. Thank you.

11:00:43 8 Ms. Griffin, why would you say that about
11:00:45 9 yourself?

11:00:46 10 JUROR GRIFFIN: My mom calls me a lot.

11:00:48 11 MS. SMITH: Okay.

11:00:48 12 JUROR GRIFFIN: And when I first got my -- bought
11:00:51 13 a Gateway, I took it back. I didn't know how to turn it
11:00:54 14 on. And I thought it was broke. And I found out the
11:01:01 15 modem, the button way down there --

11:01:03 16 MS. SMITH: Right.

11:01:05 17 JUROR GRIFFIN: -- and then I self-taught myself
11:01:07 18 how to use my computer. And it finally -- it finally ended
11:01:12 19 up that I -- I went through a lot with that computer, but
11:01:14 20 it finally ended up that the modem was crashed. And all
11:01:15 21 this time I had been trying to fix it so -- for months. So
11:01:19 22 I learned quite a bit that way, by trial and error.

11:01:22 23 MS. SMITH: Okay. Great. Thank you.

11:01:24 24 Okay. Ms. Leathers, are you the one that everyone
11:01:35 25 comes to when their phone shuts down?

11:01:38 1 JUROR LEATHERS: Yes.

11:01:39 2 MS. SMITH: Why is that?

11:01:40 3 JUROR LEATHERS: Just a -- I do use a lot of
11:01:42 4 technology at home, so I have literally a little smart
11:01:45 5 Amazon home with all the smart plugs --

11:01:45 6 MS. SMITH: Okay.

11:01:48 7 JUROR LEATHERS: -- and Amazon devices. And then
11:01:49 8 my work jokingly calls me The Millennial all the time on
11:01:56 9 our team, so when new work technology comes out, they call
11:01:57 10 me to try to figure out how to --

11:01:57 11 MS. SMITH: To fix it. Thank you.

11:01:59 12 MS. LEATHERS: -- use it.

11:02:00 13 MS. SMITH: Now, Mr. Hawkins, I haven't heard much
11:02:02 14 from you today. I -- and I'd like to. So which bucket do
11:02:05 15 you fit in? Are you the -- are you the fixer around the
11:02:08 16 house or with your friends? Are you the one that hands it
11:02:11 17 to someone else to fix?

11:02:12 18 JUROR HAWKINS: Well, I wouldn't say I'm, you
11:02:15 19 know, big into phones or fixing phones. I mean, you know,
11:02:18 20 but my job is C & Cs and they're computers.

11:02:22 21 MS. SMITH: Okay.

11:02:22 22 JUROR HAWKINS: And, you know, that's what I've
11:02:24 23 done all -- you know, 20-something years.

11:02:26 24 MS. SMITH: Okay. So you can -- you can fix a lot
11:02:28 25 more than phones is what you're telling me?

11:02:30 1 JUROR HAWKINS: I can write programs.

11:02:32 2 MS. SMITH: Okay. So you're familiar with coding
11:02:33 3 and do --

11:02:36 4 JUROR HAWKINS: X, Y, Z.

11:02:39 5 MS. SMITH: Okay. Okay.

11:02:39 6 JUROR HAWKINS: You know --

11:02:40 7 MS. SMITH: Thank you, sir.

11:02:41 8 Do I have anyone else on the panel that's ever
11:02:44 9 done any computer programming like Mr. Hawkins has?

11:02:48 10 Okay. Mr. Clubb and Mr. Baker. Thank you.

11:02:52 11 All right. Third row, anyone on that third row
11:02:56 12 consider themselves a little more tech savvy or a go-to
11:02:59 13 when things break?

11:03:01 14 Juror No. 15, you're shaking your head no.
11:03:07 15 Tell -- tell -- tell me about -- tell me about that.

11:03:08 16 JUROR BALL: That would be my husband.

11:03:10 17 MS. SMITH: Okay.

11:03:11 18 JUROR BALL: Or my son.

11:03:12 19 MS. SMITH: Okay. How old is your son?

11:03:14 20 JUROR BALL: He's 27, so...

11:03:16 21 MS. SMITH: Thank you.

11:03:18 22 JUROR BALL: You're welcome.

11:03:21 23 THE COURT: You have five minutes remaining.

11:03:23 24 MS. SMITH: Thank you, Your Honor.

11:03:23 25 Now, GREE and Supercell are both foreign

11:03:27 1 companies. You heard that GREE's a Japanese company, and
11:03:30 2 the Defendant in this case is a Finnish company. And we're
11:03:33 3 here in U.S. court. We're here in U.S. court because we're
11:03:37 4 talking about products sold in the U.S. and U.S. patents
11:03:40 5 that GREE has been awarded.

11:03:42 6 But is there anyone sitting out there that takes
11:03:45 7 issue with the fact that two foreign companies are going to
11:03:49 8 take a week and -- in trial here and they just really
11:03:56 9 shouldn't be here? Is there anyone who has that feeling by
11:04:00 10 a raise of hands?

11:04:01 11 Is there anybody that -- is there anybody that
11:04:06 12 feels like there are too many lawsuits?

11:04:09 13 Is there anybody that doesn't -- I actually raised
11:04:13 14 my hand because it's kind of the frivolous lawsuits that
11:04:16 15 keep my lawsuits, quite frankly, from getting to the
11:04:20 16 courthouse, so I'll raise my hand.

11:04:22 17 Is there anybody who thinks there are too many
11:04:27 18 patent lawsuits? I see no hands.

11:04:30 19 Okay. Now, who thinks the government can make a
11:04:37 20 mistake?

11:04:40 21 All right. This is a little bit different
11:04:44 22 question. Now, sometimes in these cases, you may have --
11:04:47 23 you may have four or five patents. And the Defendant will
11:04:50 24 say, well, you know, we don't trespass or we don't
11:04:52 25 infringe, but if we do, your patents aren't any good.

11:04:57 1 And by saying the patents aren't any good, they
11:05:00 2 mean the PTO got it wrong -- the United States Patent
11:05:03 3 Office got it wrong by awarding the company patents. And
11:05:07 4 they may say it as to one patent or two patents or three
11:05:10 5 patents or even four patents.

11:05:12 6 Is there anybody that thinks that the government
11:05:14 7 gets it -- so they say about four out of five patents. Is
11:05:18 8 there anybody that thinks that the government gets it wrong
11:05:21 9 most all of the time?

11:05:22 10 Juror No. 2? All right.

11:05:25 11 Anybody else other than Juror No. 2?

11:05:28 12 Juror No. 18, are you just swatting the AC?

11:05:33 13 JUROR PRICE: No, I -- yeah, I am swatting the AC.

11:05:36 14 MS. SMITH: Okay. I just want to make sure your
11:05:38 15 voice is heard. So Juror No. 18 agrees, as well.

11:05:43 16 All right. We're going to talk about damages for
11:05:45 17 just a brief minute. You will hear that when a Defendant
11:05:48 18 infringes or trespasses on somebody's patent, that the
11:05:52 19 Plaintiff, like GREE, is owed a reasonable royalty.

11:05:56 20 In this case, you may hear evidence that the
11:06:00 21 reasonable royalty would be between 18 and \$24 million.
11:06:05 22 And I'm not going to run away from that number because
11:06:07 23 you're also going to hear what Supercell is making on their
11:06:10 24 video games.

11:06:11 25 So my question is not specific to this case

11:06:15 1 because you haven't heard any of the evidence yet.

11:06:18 2 My question is this: Knowing that this is a case
11:06:21 3 about 18 to \$24 million, is there anyone sitting there that
11:06:25 4 says, you know, I don't care what the evidence is, I could
11:06:28 5 never award that amount of money?

11:06:31 6 Juror No. 2, Ms. Hopkins?

11:06:34 7 JUROR HOPKINS: Yes, ma'am.

11:06:35 8 MS. SMITH: Anybody else join Ms. Hopkins? Juror
11:06:39 9 No. 18; Juror No. 24; Juror No. 15; 30; and 36.

11:06:44 10 Thank you all.

11:06:47 11 Now, final question. You probably can see this
11:06:54 12 about me already. I don't always ask just the -- the right
11:06:58 13 question in these sessions, and I have precious little
11:07:02 14 time. And so if somebody is sitting out there thinking,
11:07:06 15 you know, if Ms. Smith would have just asked me this
11:07:09 16 question, I would have told her that I'm not the right
11:07:11 17 person for either this jury or I'm not the right person
11:07:14 18 for -- for GREE. You know, I'm not the right person on a
11:07:18 19 video game. And we talked to some of those people.

11:07:21 20 Is there somebody sitting out there thinking, you
11:07:24 21 know, if she just would have asked me this question, I
11:07:27 22 would have told her I'm not the right person for this jury?

11:07:31 23 Juror No. 2, tell me about that.

11:07:33 24 THE COURT: You have one minute remaining.

11:07:34 25 MS. SMITH: It's my last question, Your Honor.

11:07:39 1 JUROR HOPKINS: Well, I just feel that I'm not the
11:07:45 2 one for this because -- for one, I mean, the award amount.
11:07:53 3 MS. SMITH: Yes, ma'am.
11:07:56 4 JUROR HOPKINS: That's crazy.
11:07:58 5 MS. SMITH: Okay. So it wouldn't matter what the
11:07:59 6 evidence was?
11:07:59 7 JUROR HOPKINS: No.
11:08:00 8 MS. SMITH: If I told you a company was making a
11:08:02 9 billion dollars -- and that's with a capital B -- still
11:08:06 10 wouldn't matter?
11:08:07 11 JUROR HOPKINS: No, still wouldn't matter.
11:08:08 12 MS. SMITH: I appreciate your honesty. Thank you.
11:08:11 13 THE COURT: All right. Counsel, your time has
11:08:13 14 expired.
11:08:14 15 MS. SMITH: Thank you.
11:08:15 16 THE COURT: We'll hear from Defense counsel at
11:08:18 17 this time.
11:08:18 18 MS. SMITH: Thank you, Your Honor.
11:08:21 19 THE COURT: Mr. Dacus, would you like a warning on
11:08:24 20 your time?
11:08:24 21 MR. DACUS: If you'd let me know when I have five
11:08:26 22 minutes, please, Your Honor.
11:08:28 23 THE COURT: I will. You may proceed.
11:08:29 24 MR. DACUS: Thank you.
11:08:30 25 Good morning. By way of reintroduction, I'm Deron

11:08:37 1 Dacus. And along with Mike Sacksteder and Bryan Kohm, we
11:08:41 2 represent Supercell.

11:08:42 3 As Ms. Smith said to you, the Judge gives us just
11:08:45 4 a few minutes to give you an overview of the case. And I
11:08:48 5 want to do that so that as I talk to you this morning
11:08:51 6 and -- and you answer questions, I want you to have in mind
11:08:54 7 what -- what the case is about and what we expect to -- to
11:08:56 8 show you over the next few days.

11:08:58 9 Supercell is a video game maker. They have
11:09:04 10 developed and released five games in the United States.
11:09:08 11 Those games are primarily family-oriented. I've heard some
11:09:12 12 conversation this morning. I heard someone say that games
11:09:15 13 are rated -- their games are rated for nine-year-olds and
11:09:20 14 older. They have, by most accounts, been successful.

11:09:24 15 It's a company that was started in 2010, very
11:09:28 16 humble beginnings, literally with a few young programmers
11:09:31 17 sitting on a cardboard box with their computer, developing
11:09:35 18 games. And over those 10 years, they've now released five
11:09:38 19 different games here in the United States.

11:09:40 20 You have -- you have GREE sitting at this other
11:09:45 21 table. Their history is a little different. If you sit on
11:09:49 22 this jury, you'll hear more about the history of GREE. But
11:09:52 23 for purposes of what we're talking about this morning,
11:09:55 24 certainly GREE has five patents. They accuse Supercell of
11:09:59 25 using those patents.

11:10:02 1 If you sit on this jury, I think what you'll
11:10:04 2 ultimately hear from the evidence is that the patents that
11:10:08 3 these folks have, our games simply do not use them. We'll
11:10:12 4 have our employees who develop these games testify. We'll
11:10:17 5 have video game experts. I think three total will testify,
11:10:21 6 explain to you how our games work and how they differ from
11:10:25 7 the patents.

11:10:26 8 In addition to that, and I think equally
11:10:29 9 important, at least from Supercell's standpoint, is four of
11:10:33 10 these five patents that they assert should have never been
11:10:36 11 issued. You heard on your video this morning from the
11:10:39 12 Judge that in order to issue a valid patent, it needs to be
11:10:43 13 something new. It needs to be something novel.

11:10:47 14 And I think, ultimately, the evidence in this case
11:10:49 15 will show to you that what these folks wrote down in their
11:10:53 16 patent claims had been done in prior video games in the
11:10:57 17 United States.

11:10:57 18 That's a very brief overview of -- of what I think
11:11:01 19 you'll -- you'll hear if you -- if you ultimately sit as a
11:11:06 20 juror or in this case.

11:11:07 21 Now, I want to ask some questions. That's --
11:11:11 22 that's no surprise to you. But before I do it, I
11:11:14 23 want to -- I want to pause. And I want to say this to you.

11:11:18 24 This is a very important case for Supercell. We
11:11:22 25 would not have you here in this courtroom if it was not an

11:11:25 1 important case.

11:11:26 2 And I know the folks at Supercell want me to say
11:11:28 3 to you a very sincere thank you for showing up for jury
11:11:32 4 duty. I know each one of you absolutely has other things
11:11:35 5 you want to be doing and you need to be doing. You got
11:11:39 6 kids to tend to, grandkids to tend to, jobs to tend to.
11:11:46 7 That is not lost on anyone at this table. And so I do want
11:11:49 8 to start there by saying a very sincere thanks.

11:11:53 9 The Judge was kind enough, Ms. Smith was kind
11:11:56 10 enough to give you some information about them. You all
11:12:00 11 were kind enough to give us information about yourself. I
11:12:00 12 feel obligated to do that. I wish I could tell you that
11:12:00 13 the information that I'm going to give you is worth writing
11:12:06 14 a book over. It's not, regrettably.

11:12:09 15 I grew up in Gilmer, Texas. I actually grew up
11:12:13 16 out in the country between Gilmer and Diana. I went to
11:12:16 17 Gilmer High School. Graduated. Was fortunate enough to
11:12:20 18 get a baseball scholarship to Texas A&M.

11:12:23 19 After I got out of there, I went to law school,
11:12:25 20 like the Judge, like Ms. Smith, at Baylor, where I met my
11:12:28 21 wife, to whom I've now been married for 26 years.

11:12:32 22 Since Ms. Smith -- I mean, since Ms. Holmes is
11:12:34 23 dictating, I should say very happily married, and if you'd
11:12:39 24 put that in the record, please.

11:12:41 25 We have two college-aged kids. So being married

11:12:44 1 to another lawyer, having two college-aged kids means
11:12:48 2 really -- means a lot of things, but it means one thing in
11:12:51 3 particular. Nobody at my house cares a whole lot about my
11:12:55 4 opinion. Nobody listens to me a lot. I'm happy to have a
11:12:59 5 captive audience this morning, at least for a small amount
11:13:05 6 of time.

11:13:05 7 Let me -- let me do this just by -- to make sure
11:13:08 8 that we've covered all the bases. Ms. Smith introduced
11:13:13 9 you -- Melissa Smith and her partner, Gil Gillam, have an
11:13:17 10 office here in Marshall. And I know she said to a couple
11:13:21 11 of folks that you have mutual friends. But do any of you
11:13:25 12 know Melissa Smith or Gil Gillam? Would you just let me
11:13:28 13 know by raising your hand?

11:13:29 14 Okay. Yes, sir, Dr. Frase? You know Mr. Gillam,
11:13:29 15 right?

11:13:36 16 JUROR FRASE: I know of him and --

11:13:38 17 THE COURT: We going to need -- we're going to
11:13:38 18 need you to stand and use the microphone so we can hear it,
11:13:38 19 please.

11:13:41 20 JUROR FRASE: I do know of him. I knew him in the
11:13:43 21 past, but I've not had relationships in a number of years.

11:13:48 22 MR. DACUS: If you sat on this jury, could you be
11:13:50 23 fair to me even if --

11:13:52 24 JUROR FRASE: Yes.

11:13:53 25 MR. DACUS: Thank you, sir.

11:13:53 1 And just -- just so we've covered all the bases,
11:13:57 2 sitting at this table is -- is Steve Moore. Mr. Moore is
11:14:01 3 with the law firm of Kilpatrick & Townsend. Again, he's
11:14:04 4 here from San Francisco. Does anybody happen to know that
11:14:08 5 firm Kilpatrick Townsend or Mr. Moore? Would you let me
11:14:11 6 know by raising your hand?

11:14:13 7 Okay. I don't see any hands. Thank you.

11:14:15 8 One other basis to cover before I talk to you a
11:14:20 9 little more specifically. You've heard these folks say,
11:14:23 10 GREE, that they are a Japanese company, okay? Is there
11:14:28 11 anyone who has ever lived in Japan? If you'd raise your
11:14:32 12 hand and let me know that.

11:14:34 13 Yes, ma'am. No. 9. That is Ms. Arnold. You have
11:14:40 14 lived in Japan?

11:14:42 15 JUROR ARNOLD: I lived in Okinawa as a child. My
11:14:45 16 father was in the military.

11:14:47 17 MR. DACUS: Yes, ma'am.

11:14:48 18 JUROR ARNOLD: I went to school there.

11:14:49 19 MR. DACUS: Okay. Is there any reason, based on
11:14:51 20 your experience, that you think you would favor the folks
11:14:53 21 at GREE because you've had some experience living in that
11:14:57 22 country?

11:14:58 23 JUROR ARNOLD: I don't think so. I didn't really
11:15:00 24 like it. There were too many crabs coming in my house at
11:15:05 25 night. We lived right by the seawall.

11:15:08 1 MR. DACUS: Okay. But you -- you -- you think you
11:15:10 2 could be fair -- you understand why the Supercell folks
11:15:12 3 would maybe want to know -- ensure that you could be fair,
11:15:16 4 and what I heard you say is you believe you could be?

11:15:18 5 JUROR ARNOLD: I think I could be.

11:15:20 6 MR. DACUS: Thank you very much, ma'am.

11:15:26 7 Anybody else who has ever lived in Japan? Is
11:15:31 8 there anyone here -- and I need to ask because I'm always
11:15:34 9 surprised -- that speaks Japanese? I don't see any hands.

11:15:37 10 And I guess just to close this out because so that
11:15:39 11 we're -- so that I can sleep better at night, is there
11:15:42 12 anyone here who, for whatever reason, would tend to favor
11:15:47 13 GREE because it is a Japanese company? Anyone that would
11:15:50 14 lean that way just a little bit? Would you raise your hand
11:15:53 15 and just let me know?

11:15:55 16 Okay. I don't see any hands. Thank you.

11:15:57 17 I have written down here to ask anyone on the
11:16:03 18 panel if they know each other, but -- but Ms. Smith asked
11:16:06 19 that. And it caused me to wonder if there's anyone left in
11:16:11 20 Omaha today. Sounds like half of Omaha and Hughes Springs
11:16:15 21 is -- is on this panel.

11:16:17 22 The one thing she didn't ask, is there anyone --
11:16:22 23 some of you were up towards the front that knew each other.
11:16:27 24 And I don't think she asked, but I'm curious, and maybe you
11:16:31 25 don't want to say, but would there be any problem or

11:16:35 1 controversy in serving with the people that you know on
11:16:38 2 this jury if both of you happen to wind up on it? If you
11:16:42 3 find yourself in that boat, would you raise your hand?
11:16:45 4 Okay. We're all friends. That's good.

11:16:47 5 Let me ask this -- and I'm not asking sort of in a
11:16:55 6 formal way. I'm not asking about a court proceeding. But
11:16:59 7 has anyone ever been wrongly or falsely accused of doing
11:17:05 8 something? Would you raise your hand and let me know?

11:17:07 9 And, again, I'm not talking about just formal in
11:17:10 10 court. I'm just talking about in everyday life. Has
11:17:14 11 anybody ever falsely accused -- when I didn't see any
11:17:16 12 hands, I knew I asked a poor question.

11:17:18 13 So did you raise your hand, No. 3?

11:17:21 14 JUROR ADAMS: Yes, I did.

11:17:22 15 MR. DACUS: May I talk you about that? And just
11:17:28 16 so you know, I'm not going to ask you details.

11:17:30 17 JUROR ADAMS: Yes.

11:17:31 18 MR. DACUS: Here's what I want to know. When you
11:17:33 19 were wrongly accused, how did it make you feel?

11:17:37 20 JUROR ADAMS: I was mad.

11:17:38 21 MR. DACUS: You were mad?

11:17:39 22 JUROR ADAMS: Mad.

11:17:40 23 MR. DACUS: Did you feel like you had the right to
11:17:42 24 defend yourself?

11:17:43 25 JUROR ADAMS: Yes.

11:17:43 1 MR. DACUS: Okay.

11:17:45 2 JUROR ADAMS: It was -- it was a --

11:17:46 3 MR. DACUS: Just so you know, I'm more than happy
11:17:49 4 for you to tell me details, but so that I'm clear, I'm not
11:17:52 5 asking for details. I'm not -- the Judge said earlier that
11:17:56 6 I would not pry into your private life, and I'm not trying
11:18:00 7 to, okay? So I just want you to know that.

11:18:02 8 But -- but you felt like you had the right to
11:18:04 9 defend yourself, correct?

11:18:06 10 JUROR ADAMS: I did, yes.

11:18:06 11 MR. DACUS: Okay. You understand that Supercell
11:18:09 12 sits here at this table, and we believe we've been wrongly
11:18:13 13 accused of using these folks' patents. You understand
11:18:18 14 that?

11:18:18 15 JUROR ADAMS: Yes, sir.

11:18:19 16 MR. DACUS: Do you agree that we have the right to
11:18:21 17 come to court, just like that video said this morning, and
11:18:25 18 defend ourselves?

11:18:26 19 JUROR ADAMS: Yes, sir.

11:18:26 20 MR. DACUS: Thank you very much.

11:18:28 21 So here's what I want to know. A lot of you said
11:18:30 22 you had experienced this in life, being wrongly accused.
11:18:34 23 We've all been through that. Here's what I need to know so
11:18:36 24 that I can sleep better at night during this trial.

11:18:39 25 Is there anybody who thinks when you're wrongly

11:18:42 1 accused, you do not have the right to defend yourself?

11:18:45 2 Raise your hand if you fall in that category.

11:18:49 3 Okay. Good. That's what I would have expected,
11:18:52 4 but I always need to -- to make sure.

11:18:55 5 Ms. Knabenshue, can I pick on you just for a
11:19:00 6 second, ma'am? And I'm going to tell you why I'm doing it.
11:19:03 7 When y'all -- when everybody said how many kids they had, I
11:19:06 8 wrote down that you had the most, four; is that right?

11:19:08 9 JUROR KNABENSHUE: I have four daughters.

11:19:10 10 MR. DACUS: Four daughters.

11:19:11 11 JUROR KNABENSHUE: Uh-huh, twins in the middle.

11:19:13 12 MR. DACUS: Twins in the middle.

11:19:14 13 So here's what I want to ask you, when those kids
11:19:17 14 were growing up, did they ever get in little spats or
11:19:21 15 fights or squabbles?

11:19:22 16 JUROR KNABENSHUE: Always.

11:19:24 17 MR. DACUS: Always. And so I'm glad I picked you.
11:19:28 18 So am I correct that when they got caught in a fight either
11:19:32 19 by their dad or anybody else, and they came to momma, did
11:19:37 20 they walk to you or did they run to you to tell you their
11:19:41 21 story?

11:19:42 22 JUROR KNABENSHUE: Some ran to me, but -- but
11:19:44 23 usually I was in the middle of it. As soon as I heard the
11:19:47 24 noise, I was in the middle of it.

11:19:48 25 MR. DACUS: Let me ask you -- let me tell you why

11:19:50 1 I asked this. There's something instinctive in us that
11:19:56 2 makes us want to tell our story first, right?

11:20:00 3 JUROR KNABENSHUE: Right.

11:20:01 4 MR. DACUS: We think there's something important
11:20:02 5 about doing that. And do you understand that because these
11:20:05 6 folks at GREE filed this lawsuit, they get to go first?

11:20:09 7 JUROR KNABENSHUE: I understand, yes.

11:20:11 8 MR. DACUS: Here's what I want to ask about you as
11:20:15 9 a good momma, as I know you were, when that first daughter
11:20:18 10 ran to you and told her story, did you just accept that
11:20:22 11 first story, or did you wait and get that opposite side of
11:20:24 12 the coin story from daughter number two?

11:20:28 13 JUROR KNABENSHUE: I always wanted to hear the
11:20:29 14 other side also to see if I could figure out exactly what
11:20:33 15 happened.

11:20:33 16 MR. DACUS: And that's what I want to ask you.
11:20:35 17 And I'm not digging into your private life, but did
11:20:39 18 daughter number one always tell you the truth, the complete
11:20:42 19 truth?

11:20:42 20 JUROR KNABENSHUE: No.

11:20:43 21 MR. DACUS: No, okay. So that's a long-winded way
11:20:45 22 of me saying to you or asking you, since these folks get to
11:20:48 23 go first over here, will you be able to sit and wait and
11:20:54 24 hear -- they're probably going tell their story today and
11:20:59 25 tomorrow. I'm going to have to sit all through the weekend

11:21:00 1 biting my tongue and lip and I probably won't get to tell
11:21:02 2 my story until Monday. Can you wait until next week to
11:21:04 3 make a decision on this case?

11:21:06 4 JUROR KNABENSHUE: Yes, I always like to hear both
11:21:08 5 sides before I consider --

11:21:10 6 MR. DACUS: You probably see my smile. That's
11:21:13 7 what I need to hear from you.

11:21:14 8 JUROR KNABENSHUE: Okay.

11:21:14 9 MR. DACUS: So I'm going to ask everybody the same
11:21:17 10 question, and you can understand why this is important to
11:21:22 11 me. I mean, they're going to get to tell their story
11:21:24 12 first, you're going to have a whole weekend to think about
11:21:28 13 it and then we're going to get to go.

11:21:31 14 Can you just let me know by raising your hand if
11:21:38 15 you will promise if you serve on this jury to wait and hear
11:21:38 16 all the evidence before you make a decision? Will you
11:21:40 17 raise your hand and let me know?

11:21:42 18 Mr. Cato, will you wait --

11:21:42 19 JUROR CATO: All right.

11:21:42 20 MR. DACUS: I don't have a blood pressure monitor
11:21:52 21 up here, but -- will you wait -- let -- let me ask you,
11:21:54 22 sir, will you wait and hear all the evidence --

11:21:58 23 JUROR CATO: Yes.

11:21:59 24 MR. DACUS: -- before you make a decision?

11:22:01 25 JUROR CATO: Yes, sir, I would.

11:22:02 1 MR. DACUS: All right. Thank you very much.

11:22:04 2 Now, Ms. Hopkins, I thought you might be slow
11:22:07 3 putting your hand up. What -- did I misjudge that?

11:22:11 4 JUROR HOPKINS: Huh-uh.

11:22:12 5 MR. DACUS: Let me let you get the microphone.
11:22:16 6 Will you wait and hear all the evidence before you make a
11:22:18 7 decision, or do you think you already lean one way or the
11:22:21 8 other on this?

11:22:23 9 JUROR HOPKINS: I mean -- yeah, I can wait. Yeah,
11:22:31 10 I can wait.

11:22:31 11 MR. DACUS: You could wait? And you'd be -- and
11:22:34 12 you would do that if you were to serve on the jury?

11:22:36 13 JUROR HOPKINS: Yeah.

11:22:37 14 MR. DACUS: Okay.

11:22:39 15 JUROR HOPKINS: I -- I could.

11:22:40 16 MR. DACUS: And I know you could. But would you
11:22:43 17 do that? I mean, so the Judge told you earlier that the
11:22:46 18 most important part of this process is just being honest.

11:22:49 19 JUROR HOPKINS: Uh-huh.

11:22:50 20 MR. DACUS: And so, I agree with that a hundred
11:22:52 21 percent.

11:22:52 22 JUROR HOPKINS: Uh-huh.

11:22:53 23 MR. DACUS: And so I'm just trying to figure out,
11:22:55 24 you know -- as Ms. Smith said, some people are right for
11:22:58 25 this jury, some people are right for other juries. And

11:23:01 1 would you actually wait and hear all the evidence in this
11:23:03 2 case before you made a decision?

11:23:05 3 JUROR HOPKINS: Yes, I could wait.

11:23:06 4 MR. DACUS: All right. Thank you very much,
11:23:08 5 ma'am.

11:23:09 6 Let me ask you a question. Did you say you have
11:23:12 7 some criminal justice training or degree? Did I hear you
11:23:15 8 say that?

11:23:15 9 JUROR HOPKINS: Yes.

11:23:16 10 MR. DACUS: Where did you get that?

11:23:17 11 JUROR HOPKINS: North Texas Community College.

11:23:20 12 MR. DACUS: Did you actually get a degree or just
11:23:21 13 some courses?

11:23:23 14 JUROR HOPKINS: I just went through the academy.

11:23:24 15 MR. DACUS: Oh, the police academy?

11:23:26 16 JUROR HOPKINS: Yes.

11:23:26 17 MR. DACUS: Oh, okay. Great.

11:23:28 18 JUROR HOPKINS: But I do have my EMT and fire
11:23:31 19 designation.

11:23:31 20 MR. DACUS: Right. You worked out at -- what used
11:23:34 21 to be Lone -- I still call it Lone Star Steel -- U.S.
11:23:36 22 Steel.

11:23:36 23 JUROR HOPKINS: I still work there, U.S. Steel.

11:23:38 24 MR. DACUS: All right. Thank you very much,
11:23:40 25 ma'am.

11:23:40 1 Y'all were all kind enough to fill out a
11:23:49 2 questionnaire, and so I know there are going to be some
11:23:51 3 hands that go up. And I apologize that I could not
11:23:54 4 memorize them all. I didn't memorize many of them
11:23:58 5 actually.

11:23:58 6 But who here has ever applied or received a patent
11:24:01 7 or you had a close relative who applied for a patent?
11:24:04 8 Would you raise your hand?

11:24:07 9 I see Dr. Frase has his hand up, but I thought
11:24:15 10 from the questionnaire there was more.

11:24:17 11 Let's see, Mr. Hawkins, let me let you get the
11:24:19 12 microphone, please, sir.

11:24:21 13 Is that you that applied or somebody else?

11:24:24 14 JUROR HAWKINS: My brother -- brother-in-law.

11:24:26 15 MR. DACUS: Brother-in-law?

11:24:27 16 JUROR HAWKINS: Yes, sir.

11:24:28 17 MR. DACUS: What kind of patent did he apply for?

11:24:30 18 JUROR HAWKINS: It was actually a -- a level -- a
11:24:33 19 drill.

11:24:33 20 MR. DACUS: Okay. Did he get a patent?

11:24:36 21 JUROR HAWKINS: I believe he did.

11:24:37 22 MR. DACUS: Okay.

11:24:38 23 JUROR HAWKINS: I mean, it's been -- it's been a
11:24:40 24 few years ago.

11:24:41 25 MR. DACUS: Is there -- the reason I'm asking,

11:24:44 1 these folks over here claim they have a patent. And is
11:24:47 2 there anything about your experience or your brother-in-law
11:24:50 3 getting a patent that would cause you to tend to favor
11:24:53 4 these folks even in the slightest? That's what I need to
11:24:57 5 know.

11:24:58 6 JUROR HAWKINS: No, sir.

11:24:58 7 MR. DACUS: Okay. You -- I could sleep well at
11:25:02 8 night --

11:25:02 9 JUROR HAWKINS: You can sleep well.

11:25:04 10 MR. DACUS: -- you could judge the evidence here
11:25:07 11 just based on what you hear? Yes, sir?

11:25:10 12 JUROR HAWKINS: I've got no -- you know, I have to
11:25:12 13 hear everything before I make a decision.

11:25:14 14 MR. DACUS: Perfect. Thank you so much.

11:25:15 15 Did anybody -- who else raised their hand that
11:25:19 16 they had a patent? Dr. Frase? Am I pronouncing that
11:25:22 17 right, Dr. Frase?

11:25:25 18 JUROR FRASE: Yes, sir.

11:25:25 19 MR. DACUS: Dr. Frase, do you have a patent or
11:25:28 20 someone you know?

11:25:28 21 JUROR FRASE: My son-in-law has applied for a
11:25:30 22 patent for an environmental abatement system.

11:25:32 23 MR. DACUS: Okay. So when you said "applied,"
11:25:34 24 he's not yet received one?

11:25:36 25 JUROR FRASE: Has not yet received one.

11:25:38 1 MR. DACUS: Anything about that experience that
11:25:39 2 would cause you to tend to favor the folks at GREE?

11:25:42 3 JUROR FRASE: No, sir.

11:25:43 4 MR. DACUS: You'd be fair if you sat on this jury?

11:25:47 5 JUROR FRASE: Yes.

11:25:47 6 MR. DACUS: All right. Anybody else that either
11:25:50 7 applied for a patent or has a close family member? I don't
11:25:55 8 see any hands. Thank you.

11:25:56 9 I know Mr. Hawkins said he had a -- a little bit
11:26:03 10 of coding -- computer coding experience. And I didn't see
11:26:06 11 any other hands when Ms. Smith followed up with that, but I
11:26:11 12 want to broaden that question a little bit.

11:26:12 13 Does anyone have any what they consider special
11:26:17 14 expertise in computers? Not -- I mean, most of us these
11:26:20 15 days use computers, but does anybody have sort of special
11:26:26 16 expertise?

11:26:27 17 And, Mr. Baker, I know you do. I heard you say
11:26:31 18 you were in IT.

11:26:34 19 Let's see, Mr. Clubb, let me have you grab the
11:26:38 20 microphone. Can you tell me what it is your expertise is,
11:26:41 21 sir?

11:26:42 22 JUROR CLUBB: My first job in 1989, I got hired by
11:26:46 23 Fiserv Incorporated. It was a data -- data processing
11:26:51 24 company. We had main frame systems that did bank
11:26:55 25 processing, and I wrote coding. And we called it JCL.

11:26:57 1 It's Java controlled language, setting up programs to run
11:27:03 2 the flow for processing bank services and department
11:27:06 3 stores.

11:27:07 4 MR. DACUS: What -- did you write code in a
11:27:09 5 certain language?

11:27:11 6 JUROR CLUBB: Yeah, it was -- we had MCR main
11:27:15 7 frames. It was a VRX platform, and they're -- they're -- I
11:27:18 8 guess their own proprietary code that they had in that
11:27:21 9 system, I would write that and sequence the programs to run
11:27:25 10 at night when we did the bank processing.

11:27:27 11 MR. DACUS: Okay. That's exactly what I needed to
11:27:29 12 know. Thank you, sir.

11:27:30 13 So, Mr. Baker, I know you -- you actually worked
11:27:42 14 in IT, right?

11:27:44 15 JUROR BAKER: (Nods head affirmatively.)

11:27:46 16 MR. DACUS: And did you -- did I hear you say
11:27:48 17 earlier that you had played the Clash of Clans game?

11:27:51 18 JUROR BAKER: Yes, sir.

11:27:51 19 MR. DACUS: I'm scared to ask, but did you enjoy
11:27:55 20 it?

11:27:56 21 JUROR BAKER: I did.

11:27:56 22 MR. DACUS: Did you play for several years?

11:27:58 23 JUROR BAKER: I probably started as a sophomore in
11:28:01 24 high school, and I probably played until my sophomore year
11:28:04 25 in college, so four years, roughly.

11:28:07 1 MR. DACUS: Okay. Good. That's a game where you
11:28:08 2 can play with other people, your friends?

11:28:11 3 JUROR BAKER: Yeah, I started playing with my
11:28:13 4 friends, but probably about the end of high school,
11:28:15 5 everyone else had stopped playing.

11:28:16 6 MR. DACUS: Gotcha. All right. That's what I
11:28:18 7 needed to know. Thank you, sir.

11:28:19 8 Let me ask this, and let me say before I do, that
11:28:36 9 I'm not going to ask any details about this, so feel free
11:28:41 10 when you -- when I ask you the question to -- don't be
11:28:44 11 reserved about raising your hand, because I'm not going to
11:28:47 12 ask you any details.

11:28:48 13 But if you have filed a lawsuit, you've actually
11:28:51 14 filed a lawsuit, would you raise your hand and let me know?

11:28:56 15 So I see Juror No. 12, 20, 21, and 31. Did I get
11:29:06 16 everybody that has filed a lawsuit?

11:29:08 17 All right. Perfect. Thank you.

11:29:10 18 Is there anything about that fact that you filed a
11:29:14 19 lawsuit -- and I'll talk to you, Ms. Johnson. I wanted to
11:29:23 20 say Ms. Principal. I figured that wasn't right.

11:29:27 21 And I'm not asking you details, ma'am, okay?

11:29:32 22 JUROR JOHNSON: Okay.

11:29:33 23 MR. DACUS: Is there anything about the fact that
11:29:34 24 you have filed a lawsuit -- you understand that GREE is the
11:29:38 25 one filing this lawsuit. I'm the one having to -- to

11:29:41 1 defend Supercell. You understand that?

11:29:43 2 JUROR JOHNSON: Yes, sir.

11:29:44 3 MR. DACUS: Is there anything about the fact that
11:29:45 4 you've been in the past a Plaintiff or filed a lawsuit,
11:29:50 5 that would tend for you to favor these folks over here at
11:29:52 6 this table?

11:29:55 7 JUROR JOHNSON: Absolutely not.

11:29:56 8 MR. DACUS: Absolutely not.

11:29:57 9 Okay. And did I -- I made a note -- did your mom
11:30:01 10 work at the Carlile Firm here?

11:30:04 11 JUROR JOHNSON: She did. She worked there -- she
11:30:07 12 worked at the Carlile Law Firm for 20 years, but prior to
11:30:14 13 her -- she died three years ago, and prior to that, she
11:30:14 14 hadn't worked there, I want to say, for eight years.

11:30:17 15 MR. DACUS: Okay. And when you say Carlile Firm,
11:30:19 16 we're talking about a law firm, right?

11:30:21 17 JUROR JOHNSON: Yes, sir.

11:30:22 18 MR. DACUS: And what did she do there?

11:30:24 19 JUROR JOHNSON: She was a secretary.

11:30:26 20 MR. DACUS: Okay. Perfect. I was trying to look
11:30:28 21 to see if I had any other questions for you while I have
11:30:31 22 you up.

11:30:31 23 I will ask you this. I -- I talked to folks about
11:30:34 24 raising their kids and settling disputes. I suspect you've
11:30:39 25 settled a dispute or two as principal of an elementary

11:30:44 1 school?

11:30:45 2 JUROR JOHNSON: God, yes.

11:30:45 3 MR. DACUS: Probably spend too much of your time.

11:30:47 4 JUROR JOHNSON: Yes, yes, yes.

11:30:49 5 MR. DACUS: And do you agree that -- that you need

11:30:51 6 to get both sides of the story? You may not get the full

11:30:52 7 and complete truth from that first --

11:30:53 8 JUROR JOHNSON: I absolutely agree. All kids are

11:30:56 9 entitled to due process.

11:30:57 10 MR. DACUS: Okay. And -- and what about video

11:30:59 11 game companies?

11:31:01 12 JUROR JOHNSON: Oh, I'm sorry, I always go back to

11:31:07 13 the school. Yes. Yes, definitely.

11:31:08 14 MR. DACUS: All right. Thank you very much.

11:31:09 15 I'm going to ask you a question that's going to

11:31:12 16 sound a little different to you, but -- and I want you to

11:31:15 17 think about it a little bit before -- before you answer.

11:31:19 18 And so here's my question. Some people are quick

11:31:22 19 decision makers -- in other words, they look at the facts

11:31:25 20 really quick, make a decision really quick, and they go

11:31:28 21 with it. Other people like to take their time, contemplate

11:31:32 22 the facts, think about it for a while, and then make a

11:31:36 23 decision. So I need to know which of those two you fall

11:31:43 24 into.

11:31:44 25 So if you're the type of person who looks at facts

11:31:48 1 really quickly, assesses them quickly, makes your decision,
11:31:51 2 and you go with it, can you raise your hand and let me
11:31:54 3 know?

11:31:58 4 Okay. 18, 2, No. 33 -- Mr. Martin, what are you,
11:32:04 5 39?

11:32:04 6 Dr. Frase, what number are you, sir?

11:32:08 7 JUROR FRASE: 29.

11:32:10 8 MR. DACUS: 29. Thank you.

11:32:12 9 All aright. So is it true that the rest of you
11:32:15 10 are more deliberative thinkers -- in other words, you like
11:32:18 11 to look at the facts, contemplate things, really assess
11:32:20 12 them? If you're in that category, raise your hand.

11:32:24 13 That's -- that's the remainder of them. Good. Thank you.

11:32:25 14 It's always interesting to see how folks see
11:32:29 15 themselves.

11:32:30 16 Let me ask you one other question about how you
11:32:34 17 see yourselves. I'm going to ask you, and I'm going to let
11:32:37 18 you think about it, whether or not you see yourself as a
11:32:40 19 leader or not. You know, the world is made up of all kinds
11:32:44 20 of folks, leaders, followers, and everything in between.
11:32:49 21 If you see yourself and view yourself as a leader, would
11:32:52 22 you raise your hand and let me know?

11:32:53 23 So on the first row, that's 2, 3, 4, 5. Second is
11:32:57 24 7, 8, 12 -- I knew you'd have your hand up -- 18, and then
11:33:05 25 21, 25. And I'm going to stop there because the rest -- as

11:33:10 1 Ms. Smith said, the rest of you are probably fairly safe.

11:33:14 2 Let me talk to you, Ms. Gleason, if I could. You
11:33:29 3 had your hand up, right, ma'am? Are you a leader in any
11:33:31 4 organizations or -- well, let me ask a better question.
11:33:31 5 Why did you raise your hand?

11:33:33 6 JUROR GLEASON: Because I'm not a follower.

11:33:35 7 MR. DACUS: Okay.

11:33:36 8 JUROR GLEASON: I just -- I see something that I
11:33:38 9 need to do and I just kind of take charge, and I think
11:33:42 10 that's a good attribute for a mom and somebody who works in
11:33:47 11 a school.

11:33:48 12 MR. DACUS: Right. You -- you worked at Paul
11:33:52 13 Pewitt -- where did you work?

11:33:54 14 JUROR GLEASON: Harleton.

11:33:56 15 MR. DACUS: Oh.

11:33:56 16 JUROR GLEASON: Harleton ISD.

11:33:56 17 MR. DACUS: Yeah, I had that wrong.

11:33:57 18 JUROR GLEASON: And I worked in the OR for many,
11:34:00 19 many years.

11:34:00 20 MR. DACUS: Folks in the OR --

11:34:02 21 JUROR GLEASON: We have to make split decisions,
11:34:06 22 but then, again, I think that's something different from
11:34:08 23 what we're talking about.

11:34:08 24 MR. DACUS: Understood. Did I remember that your
11:34:10 25 husband worked at Eastman?

11:34:13 1 JUROR GLEASON: Yes.

11:34:14 2 MR. DACUS: What did he do out there?

11:34:16 3 JUROR GLEASON: I did not know him then.

11:34:19 4 MR. DACUS: Okay. Did he tell you what he did?

11:34:21 5 JUROR GLEASON: He did insulating work.

11:34:23 6 MR. DACUS: Insulating. Okay, all right.

11:34:24 7 JUROR GLEASON: And mainly contractor like with
11:34:26 8 Stuart or Brown & Root.

11:34:27 9 MR. DACUS: Gotcha, all right.

11:34:30 10 JUROR GLEASON: When they split he took his --
11:34:33 11 his -- he left with the contractors.

11:34:34 12 MR. DACUS: Okay. Thank you very much.

11:34:40 13 I want to talk to you and ask some questions about
11:34:44 14 this patent process. I've already told you that we think
11:34:48 15 the evidence in this case is going to show that four of
11:34:51 16 these five patents that these folks have really were not
11:34:56 17 new. These things existed in video games before they filed
11:35:00 18 their patent applications. And so I want to ask you some
11:35:03 19 questions about that.

11:35:04 20 How many of you -- you all saw the -- the video
11:35:11 21 this morning. How many of you knew before you came to the
11:35:16 22 courthouse that this patent process by which you acquire a
11:35:20 23 patent was a secret process? "Secret" meaning the only
11:35:24 24 people that know about it are the Patent Office and the
11:35:28 25 person applying.

11:35:29 1 How many of you knew that before you came today?

11:35:32 2 One? Okay. Ms. Griffin knew.

11:35:36 3 So let me -- let me ask you, Ms. Thompson, if I
11:35:44 4 could -- yes -- No. 5.

11:35:48 5 JUROR THOMPSON MCCOY: Oh, McCoy.

11:35:49 6 MR. DACUS: McCoy, I apologize.

11:35:51 7 So, Ms. McCoy, when you heard on the video this
11:35:56 8 morning that this patent process was sort of a secret
11:35:59 9 process just between the applicant and the Patent and
11:36:02 10 Trademark Office, that was news to you?

11:36:04 11 JUROR THOMPSON MCCOY: Well, I never really
11:36:05 12 thought about it I guess.

11:36:07 13 MR. DACUS: Yeah.

11:36:08 14 JUROR THOMPSON MCCOY: But it makes sense.

11:36:09 15 MR. DACUS: And --

11:36:10 16 JUROR THOMPSON MCCOY: I mean, you wouldn't want
11:36:11 17 to tell people you -- if you have something that you want
11:36:14 18 to, you know -- somebody else will jump on it.

11:36:16 19 MR. DACUS: Understood.

11:36:17 20 JUROR THOMPSON MCCOY: Yeah.

11:36:19 21 MR. DACUS: So you understand that what we plan to
11:36:22 22 do here, as you heard on the video this morning, is provide
11:36:27 23 you with evidence that the Patent Office did not have,
11:36:32 24 okay?

11:36:32 25 JUROR THOMPSON MCCOY: Okay.

11:36:33 1 MR. DACUS: And if we were to do that, I want to
11:36:35 2 ask you a question.

11:36:37 3 JUROR THOMPSON MCCOY: Okay.

11:36:38 4 MR. DACUS: If we were to do that, could you find
11:36:40 5 that the patent is, in fact, invalid even though it's been
11:36:44 6 issued? Could you do that?

11:36:47 7 JUROR THOMPSON MCCOY: Oh, yeah.

11:36:48 8 MR. DACUS: You could?

11:36:49 9 JUROR THOMPSON MCCOY: Yeah.

11:36:50 10 MR. DACUS: And so -- I appreciate that. So let
11:36:52 11 me ask, this is an important question, a patent has been
11:36:57 12 issued, but we believe the evidence is going to show that,
11:37:03 13 in fact, there was games in the United States containing
11:37:08 14 these patented features before there was a patent
11:37:10 15 application.

11:37:10 16 So what I need to know is, is there anyone sitting
11:37:13 17 here who says, look, if the Patent Office issued the
11:37:17 18 patent, I don't think that I can and I don't feel
11:37:20 19 comfortable invalidating this patent? Is there anybody in
11:37:23 20 that camp? Okay. That's what I need to know.

11:37:26 21 No. 2 and No. 18.

11:37:28 22 Anybody else? Everybody else -- so let me ask it
11:37:38 23 affirmatively. There you go, Ms. Griffin, do you think you
11:37:42 24 would have a hard time doing that?

11:37:44 25 JUROR GRIFFIN: Well, I'm not really too sure.

11:37:47 1 That's a -- a government thing. I know they make mistakes,
11:37:54 2 but sometimes, you know, once it's put -- put in place,
11:37:59 3 that's it. I mean, there's not a whole lot you can do
11:38:03 4 about it.

11:38:03 5 MR. DACUS: Let me -- let me not challenge you,
11:38:05 6 but let me ask you a few questions about that.

11:38:08 7 You remember on the video this morning that the
11:38:11 8 Judge showed you, it said that the ultimate person that
11:38:15 9 determines whether or not a patent is valid is a jury. You
11:38:18 10 remember it said that?

11:38:20 11 JUROR GRIFFIN: Yes, yes, that's correct.

11:38:22 12 MR. DACUS: Okay. And do you remember that video
11:38:23 13 said at times, the Patent Office may not have had all the
11:38:29 14 information that it needed; do you remember that?

11:38:30 15 JUROR GRIFFIN: Yes, I do, yes, sir.

11:38:32 16 MR. DACUS: So let me ask you a life question --
11:38:35 17 have you ever -- and I'll plead guilty to this, but have
11:38:39 18 you ever made a decision and you were very confident in
11:38:41 19 your decision, but then you later found out that you did
11:38:43 20 not have all the facts and maybe the decision you made was
11:38:49 21 not right?

11:38:50 22 JUROR GRIFFIN: Absolutely.

11:38:51 23 MR. DACUS: So you would agree with me that in
11:38:54 24 order to make -- we'll call it the right decision, you need
11:38:57 25 to have all the facts?

11:38:58 1 JUROR GRIFFIN: Yes, sir.

11:38:59 2 MR. DACUS: You don't need a law degree to figure
11:39:01 3 that out.

11:39:02 4 JUROR GRIFFIN: Yes, sir, I -- I agree.

11:39:04 5 MR. DACUS: And so, kind of knowing that, do you
11:39:08 6 still feel like you would have a hard time invalidating a
11:39:11 7 patent if we showed you facts that the Patent Office did
11:39:13 8 not have?

11:39:14 9 JUROR GRIFFIN: You're correct, I --

11:39:16 10 MR. DACUS: And I'm not trying to be correct. I'm
11:39:18 11 just trying to understand.

11:39:19 12 JUROR GRIFFIN: No, I understand. I understand
11:39:21 13 more.

11:39:21 14 MR. DACUS: All right. Perfect. So you think if
11:39:22 15 we proved it to you, that you could invalidate a patent?

11:39:26 16 JUROR GRIFFIN: Right. Yes, yes, I could.

11:39:28 17 MR. DACUS: All right. Perfect, thank you very
11:39:29 18 much.

11:39:29 19 During the course of this case -- I don't think I
11:39:34 20 heard the Judge say it this morning, but I expect he
11:39:36 21 will -- he'll tell you that a patent is presumed valid.
11:39:41 22 Even though the jury ultimately determines, there's this
11:39:46 23 presumption that the patent is valid. And I want to ask
11:39:49 24 you a few questions about that.

11:39:51 25 Mr. Hawkins, I might start with you. Did I -- and

11:39:57 1 I'll let you get the microphone, it's No. 13, thank you.

11:40:03 2 Did I understand you to say you served on a murder
11:40:06 3 trial, sir?

11:40:07 4 JUROR HAWKINS: Yes, sir.

11:40:07 5 MR. DACUS: Did y'all find the Defendant guilty?

11:40:10 6 JUROR HAWKINS: Yes, sir.

11:40:11 7 MR. DACUS: Do you remember that in that case that
11:40:13 8 the Judge told you the Defendant had -- was entitled to
11:40:16 9 constitutionally a presumption of innocence?

11:40:18 10 JUROR HAWKINS: Correct.

11:40:19 11 MR. DACUS: Right. So what I'm supposing, you
11:40:21 12 correct me if I'm wrong, is the state put on enough
11:40:25 13 evidence that it overcame that presumption, and you found
11:40:27 14 the Defendant guilty despite that presumption of innocence;
11:40:34 15 is that fair?

11:40:35 16 JUROR HAWKINS: Yes, sir.

11:40:35 17 MR. DACUS: And you -- likewise in this case, if
11:40:37 18 the Judge instructs you that there's this presumption of
11:40:40 19 validity, if we put on evidence and overcome it, you can
11:40:44 20 find that the patents are invalid; is that fair?

11:40:48 21 JUROR HAWKINS: That's fair.

11:40:49 22 MR. DACUS: All right. Anybody feel
11:40:51 23 differently -- I know I'm asking this -- probably repeating
11:40:52 24 a bit -- anybody feel different from Mr. Hawkins that you
11:40:55 25 think I just don't know if I can invalidate a patent?

11:40:58 1 Anybody in that category? Just raise your hand and let me
11:41:01 2 know. All right. I don't see --

11:41:04 3 Yes, ma'am. 18, you told me, you told me.

11:41:08 4 JUROR PRICE: Okay.

11:41:08 5 MR. DACUS: I don't want to stop you from saying
11:41:11 6 something if you feel like you want to say something, I
11:41:14 7 understand.

11:41:14 8 JUROR PRICE: No, I'm fine.

11:41:16 9 MR. DACUS: Let me ask you -- let me ask you this.

11:41:19 10 JUROR PRICE: Okay.

11:41:19 11 MR. DACUS: You understand I'm the one trying to
11:41:22 12 say these patents are invalid?

11:41:23 13 JUROR PRICE: Right.

11:41:24 14 MR. DACUS: Or actually Supercell is.

11:41:25 15 JUROR PRICE: Right.

11:41:26 16 MR. DACUS: So you understand your answer worries
11:41:28 17 me a little bit.

11:41:29 18 JUROR PRICE: I'm sorry.

11:41:31 19 MR. DACUS: No, that's okay.

11:41:32 20 JUROR PRICE: That's the way -- that's the way I
11:41:34 21 feel.

11:41:34 22 MR. DACUS: No, no, and I'm very proud of you for
11:41:37 23 telling me how you feel.

11:41:39 24 JUROR PRICE: Right.

11:41:39 25 MR. DACUS: Do you think because of how you feel,

11:41:42 1 though, you might not be the best juror to serve in this
11:41:44 2 case?

11:41:45 3 JUROR PRICE: I know I wouldn't be the best juror
11:41:47 4 to serve in this case, because after you said about the
11:41:49 5 patent, they already gotten it. You said four out of five
11:41:53 6 of them might not have been, but the government, that --
11:41:57 7 wasn't that their job to make sure this patent was what
11:42:00 8 they needed before they issued it?

11:42:02 9 MR. DACUS: That is their job, yes, ma'am. But as
11:42:04 10 you heard on the video --

11:42:07 11 JUROR PRICE: Yeah, you're right.

11:42:08 12 MR. DACUS: It's -- all right. I do appreciate
11:42:11 13 you being very honest with me, thank you so much.

11:42:14 14 JUROR PRICE: Uh-huh.

11:42:16 15 MR. DACUS: You heard GREE's lawyer say to you
11:42:28 16 this morning that they're going to ask for tens of millions
11:42:30 17 of dollars in this case. And here's -- here's what I need
11:42:32 18 to know about that. Will you require -- if you actually
11:42:38 19 find that Supercell uses these patents, will you require
11:42:42 20 GREE to prove to you that they're entitled to that amount
11:42:46 21 of money? Would you just raise your hand and just confirm
11:42:49 22 for me that you will require evidence for that?

11:42:53 23 Okay. I see everybody's hand.

11:42:58 24 Now, let me ask you -- let me do this.

11:43:01 25 Ms. Norris, can I ask you a question? I'm going

11:43:07 1 to give you a little hypothetical scenario, Ms. Norris.
11:43:14 2 Let's presume that Daddy T's was real happy with you and
11:43:18 3 they gave you a \$25,000.00 bonus at the end of your year,
11:43:26 4 okay.

11:43:26 5 JUROR NORRIS: That would be a miracle.

11:43:28 6 MR. DACUS: I said it was a hypothetical. But
11:43:30 7 then do you have a neighbor? Do you live by people?

11:43:34 8 JUROR NORRIS: Yes.

11:43:34 9 MR. DACUS: Let's assume your neighbor, who maybe
11:43:36 10 doesn't work -- this is hypothetical, not your actual --

11:43:39 11 THE COURT: You have five minutes remaining.

11:43:41 12 MR. DACUS: Thank you, Your Honor.

11:43:41 13 Let's assume that neighbor who maybe doesn't work
11:43:44 14 as hard as you, doesn't do all the right things, but knows
11:43:47 15 you got this bonus, says, hey, I want \$1,000.00 of your
11:43:53 16 25,000, and he says to you, that's only 4 percent of what
11:43:58 17 you got. You got 25,000. Can't you give me as your
11:44:02 18 neighbor a thousand? Does that sound right to you?

11:44:05 19 JUROR NORRIS: No, sir.

11:44:05 20 MR. DACUS: Is that something you'd be inclined to
11:44:07 21 do is just give them a thousand dollars if they hadn't done
11:44:10 22 anything to earn it?

11:44:12 23 JUROR NORRIS: No, sir, because I don't know
11:44:15 24 nobody that lives around me.

11:44:17 25 MR. DACUS: Okay. But even if you knew them,

11:44:21 1 would you be inclined to give them your hard earned money?

11:44:27 2 JUROR NORRIS: No, sir.

11:44:27 3 MR. DACUS: Okay. All right. That's all I have.

11:44:29 4 Thank you.

11:44:29 5 Now, I'm going to sit down because the Judge told
11:44:34 6 me I need to, but like Ms. Smith, I know one thing, and
11:44:39 7 that is I may not ask all the right questions. And you may
11:44:43 8 be sitting there thinking, boy, if that Supercell lawyer
11:44:46 9 knew this about me, he would not want me on this jury, but
11:44:49 10 he hasn't asked the right question.

11:44:52 11 Is there anybody sitting there who's thinking,
11:44:55 12 boy, he would really want to know this, but he hasn't asked
11:44:58 13 me the right question? Anybody in that camp? Would you
11:45:01 14 raise your hand and let me know?

11:45:03 15 Yes, ma'am, that's Ms. Peterson? Tell me what I
11:45:08 16 failed to ask.

11:45:10 17 JUROR PETERSON: Well, I don't believe in the
11:45:13 18 justice system.

11:45:14 19 MR. DACUS: Okay.

11:45:15 20 JUROR PETERSON: And I wouldn't be fair in this
11:45:17 21 case, neither one of them.

11:45:18 22 MR. DACUS: All right. Ms. Peterson, I appreciate
11:45:20 23 you being honest with us.

11:45:21 24 Anybody else feel like there's something that
11:45:25 25 you -- I should know?

11:45:26 1 Yes, ma'am? That's Ms. Hopkins.

11:45:31 2 JUROR HOPKINS: Well, I'm just still hung up on
11:45:34 3 the patent thing. I mean, I know we watched a video, but,
11:45:40 4 I mean, the government already done issued those patents.
11:45:43 5 I don't understand how we can judge to, you know, overthrow
11:45:47 6 that. I -- I just don't get that.

11:45:49 7 MR. DACUS: Okay. Thank you very much. I
11:45:50 8 appreciate you being honest.

11:45:52 9 Anybody else? Those are great answers.

11:45:56 10 That is Ms. Neal? I don't think we've heard from
11:46:02 11 you, Ms. Neal.

11:46:04 12 JUROR NEAL: I have been raising my hand though.

11:46:08 13 MR. DACUS: You have?

11:46:09 14 JUROR NEAL: Yeah. I'm short, so you just don't
11:46:12 15 see me.

11:46:13 16 MR. DACUS: I apologize, I did not see you.

11:46:15 17 JUROR NEAL: I'm like this, I don't believe in
11:46:17 18 suing no one. That's my belief.

11:46:21 19 Now, you have to, yeah, maybe do. But to my
11:46:24 20 ideas, you know, when you copy, you just copy. But I don't
11:46:30 21 believe into suing no one.

11:46:32 22 MR. DACUS: Thank you, ma'am.

11:46:34 23 JUROR NEAL: Uh-huh.

11:46:35 24 MR. DACUS: All right. That's all the questions I
11:46:38 25 have for you.

11:46:38 1 Again, on behalf of Supercell, we're very, very
11:46:41 2 appreciative of you being here this morning. We know it's
11:46:44 3 a tremendous inconvenience, and we would not be here if it
11:46:48 4 wasn't important. Thank you.

11:46:49 5 Thank you, Your Honor.

11:46:50 6 THE COURT: Thank you, counsel.

11:46:51 7 Ladies and gentlemen, there are matters I need to
11:46:54 8 discuss with counsel outside of your presence. And given
11:46:58 9 the precautions that we're taking and the social
11:47:03 10 distancing, really the only way for me to do that is as
11:47:06 11 follows:

11:47:07 12 I'm going to leave the bench in a moment. I'm
11:47:09 13 going to go into the jury room. I'm going to take the
11:47:12 14 court reporter with me. And I'm going to ask Ms. Smith and
11:47:16 15 Mr. Dacus to join me there. We'll have that discussion
11:47:18 16 outside of your presence, and then I'll come back in the
11:47:21 17 courtroom, and I'll give you instructions based on that
11:47:24 18 discussion once we get there.

11:47:25 19 I don't think this is going to take more than five
11:47:28 20 or six minutes. That's my best guess, but I'm going to
11:47:32 21 have to do it outside of your presence.

11:47:34 22 While I'm out of the courtroom, you need to stay
11:47:37 23 in your seats. And you can certainly visit with your
11:47:40 24 neighbor quietly if you want to. You're not required to.
11:47:45 25 If you want to just sit there silently, that's fine, as

11:47:48 1 well.

11:47:48 2 But if you talk with anyone around you quietly,
11:47:52 3 don't discuss anything that's happened this morning in
11:47:57 4 court.

11:47:57 5 Because let me remind you of something, you have
11:48:00 6 not heard any evidence in this case whatsoever. And what
11:48:03 7 the lawyers tell you through the jury selection process and
11:48:09 8 throughout the trial is not evidence.

11:48:11 9 So don't discuss anything about what's happened so
11:48:13 10 far since you got to the courthouse this morning, but if
11:48:16 11 you'd like to talk about grandchildren or sports or weather
11:48:20 12 or anything else, that's perfectly fine.

11:48:22 13 If you will remain in your seats, I'll be back
11:48:25 14 shortly after I've had that conversation outside of your
11:48:27 15 presence.

11:48:28 16 At this time, I'll adjourn to the jury room, and,
11:48:32 17 Ms. Smith, and, Mr. Dacus, if you'll join me there.

11:48:36 18 COURT SECURITY OFFICER: All rise.

11:48:38 19 (Bench conference outside presence of the venire
11:52:14 20 panel.)

11:52:14 21 THE COURT: All right. Let's go back on the
11:53:11 22 record.

11:53:11 23 Ms. Smith, does Plaintiff wish to make any
11:53:19 24 challenges for cause with regard to any of the members of
11:53:22 25 the panel?

11:53:22 1 MS. SMITH: Yes, Your Honor. The Plaintiff
11:53:25 2 challenges No. 8, Ms. Jones; No. 9, Ms. Arnold; and No. 17,
11:53:31 3 Norris -- Ms. Norris.

11:53:33 4 THE COURT: All right. Mr. Dacus, does the
11:53:35 5 Defendant wish to offer any challenges for cause?

11:53:37 6 MR. DACUS: Yes, Your Honor. We would challenge
11:53:40 7 No. 2. And I think we would agree with No. 8.

11:53:49 8 MS. SMITH: Thank you.

11:53:51 9 THE COURT: All right. Given that the parties --

11:53:53 10 MR. DACUS: And then --

11:53:55 11 THE COURT: I'm sorry.

11:53:55 12 MR. DACUS: I apologize, Your Honor, I paused.
11:53:59 13 18, also. And I don't think we would reach, but Nos. 30
11:54:09 14 and 38.

11:54:11 15 THE COURT: All right. I'll mark them, but I
11:54:14 16 don't think we'll reach them either.

11:54:15 17 MR. DACUS: No, sir.

11:54:15 18 THE COURT: Okay. Given that both Plaintiff and
11:54:22 19 Defendant have challenged No. 8 for cause, I will excuse
11:54:29 20 No. 8. And I'll sustain the mutual challenge without
11:54:31 21 actually interviewing the venire member.

11:54:36 22 I did not have any notes that anybody said they
11:54:41 23 couldn't be here for a scheduling problem. Did either of
11:54:43 24 you?

11:54:44 25 MR. DACUS: I did not.

11:54:44 1 MS. SMITH: No.

11:54:45 2 THE COURT: Okay. That means I'll bring back and
11:54:53 3 we'll interview here in the jury room Panel Member No. 2,
11:54:56 4 Ms. Hopkins; Panel Member No. 9, Ms. Arnold; Panel No. 17,
11:55:06 5 Ms. Norris; Panel Member No. 18.

11:55:09 6 And at that point, the next challenge doesn't show
11:55:14 7 up until No. 30. I'll wait to bring No. 30 back until
11:55:21 8 we've dealt with those first four. Because based on where
11:55:27 9 we are at that point, we may not be able to reach her
11:55:31 10 either way.

11:55:32 11 MR. DACUS: Okay.

11:55:33 12 THE COURT: Okay. Ms. Lockhart, would you ask
11:55:35 13 either Ms. Denton or Mr. Fitzpatrick to step back here,
11:55:40 14 please?

11:55:40 15 COURTROOM DEPUTY: Yes, sir.

11:56:01 16 COURT SECURITY OFFICER: Yes, sir.

11:56:01 17 THE COURT: I need you to bring back Panel Member
11:56:05 18 No. 2, Ms. Hopkins --

11:56:05 19 COURT SECURITY OFFICER: Yes, sir.

11:56:09 20 THE COURT: -- if you'll escort her in.

11:56:13 21 COURT SECURITY OFFICER: Yes, sir.

11:56:14 22 (Juror brought into jury room.)

11:56:14 23 THE COURT: Good morning, Ms. Hopkins. Would you
11:56:40 24 mind having a seat right there?

11:56:41 25 JUROR HOPKINS: Yes, sir.

11:56:42 1 THE COURT: Thank you. Ms. Hopkins, you gave
11:56:48 2 several answers during the examination of the panel by both
11:56:52 3 the Plaintiff and the Defendant that I wanted to visit with
11:56:56 4 you about.

11:56:57 5 JUROR HOPKINS: Okay.

11:56:58 6 THE COURT: You said toward the end of the
11:57:03 7 questioning you don't know if you could -- I believe you
11:57:06 8 said overthrow a patent.

11:57:08 9 Are you telling me that you don't think under any
11:57:10 10 circumstances, if the Defendants proved it by clear and
11:57:13 11 convincing evidence, you could ever find that a patent was
11:57:16 12 invalid?

11:57:17 13 JUROR HOPKINS: Well, I just don't get that
11:57:20 14 process. I mean, if a patent was already issued, and it is
11:57:24 15 issued through the government, you know, I just -- I don't
11:57:27 16 get -- I understand the government makes mistakes and says
11:57:31 17 the other party doesn't make mistakes -- you know, I just
11:57:35 18 don't get it.

11:57:36 19 THE COURT: Okay. Let me ask it this way: Do you
11:57:38 20 think that you could listen to the evidence and you could
11:57:42 21 follow my instructions and even if my instructions are
11:57:48 22 something unusual to you, you could still follow them and
11:57:51 23 do what the Court instructs you to do based on the evidence
11:57:54 24 that you would hear during the course of the trial, or in
11:57:58 25 the alternative, as you say, since you don't get it, do you

11:58:02 1 just think you couldn't do it no matter what the
11:58:05 2 instructions I might give you would be?

11:58:07 3 JUROR HOPKINS: I'm not sure.

11:58:11 4 THE COURT: Okay.

11:58:12 5 JUROR HOPKINS: I'm just not sure.

11:58:14 6 THE COURT: One other thing you said during the
11:58:17 7 examination was -- oh, at least I think you said this --
11:58:21 8 when Ms. Smith talked about the amount of money in the
11:58:24 9 millions that the Plaintiff is going to ask the jury to
11:58:26 10 award against the Defendant, I thought you said you could
11:58:29 11 never award that kind of money. Did I -- did I hear that
11:58:33 12 correctly?

11:58:33 13 JUROR HOPKINS: Uh-huh, correct.

11:58:35 14 THE COURT: And I take it then you're telling me
11:58:37 15 that no matter what the evidence is, no matter how bad it
11:58:41 16 was, no matter how clear, you just couldn't award that
11:58:44 17 amount of money regardless of the evidence? Is that what
11:58:48 18 you're telling me, or are you saying something different?

11:58:51 19 JUROR HOPKINS: Well, what I'm saying is, is going
11:58:53 20 back to the I don't get it part. The patent was already
11:58:58 21 established, and I just don't -- I just don't get that
11:59:04 22 whole thing. I just don't get it.

11:59:06 23 THE COURT: Okay. Well, let's take the validity
11:59:08 24 question out for right now. Let's say that the patent's
11:59:12 25 valid. If the Plaintiff proved to you that the Defendants

11:59:17 1 had infringed their patents, trespassed on their property,
11:59:21 2 as the Plaintiff called it today, and they tried to put on
11:59:27 3 evidence and did put on evidence about what the -- the
11:59:31 4 financial value of that trespassing was, are you telling me
11:59:36 5 that no matter what that evidence was, you couldn't award
11:59:39 6 the kind of money that Plaintiff indicated they'd be asking
11:59:42 7 for? Or are you telling me you might could award that
11:59:46 8 sizeable sum if the evidence supported it? Which of those
11:59:51 9 two answers do you come down on?

11:59:52 10 JUROR HOPKINS: I guess I -- I might.

11:59:56 11 THE COURT: I'm sorry?

11:59:57 12 JUROR HOPKINS: I might, if I -- I guess if I
12:00:00 13 heard all the evidence or whatever, I guess I might.

12:00:03 14 THE COURT: Okay. Okay. All right. Mr. Dacus,
12:00:11 15 do you have questions for Ms. Hopkins?

12:00:13 16 MR. DACUS: I don't have anything further,
12:00:15 17 Your Honor. Thank you.

12:00:16 18 THE COURT: Ms. Smith, do you have any questions?

12:00:18 19 MS. SMITH: Ms. Hopkins, you're a peace
12:00:20 20 officer or --

12:00:21 21 JUROR HOPKINS: No.

12:00:22 22 MS. SMITH: No? What -- explain to me --

12:00:23 23 JUROR HOPKINS: I went through criminal justice.
12:00:25 24 I do have an EMT certification and fire.

12:00:29 25 MS. SMITH: Well, in that schooling you did for

12:00:31 1 criminal justice, you realized how important it is to
12:00:35 2 follow the laws, right?

12:00:37 3 JUROR HOPKINS: Uh-huh.

12:00:38 4 MS. SMITH: You of all people would know how
12:00:40 5 important that is?

12:00:40 6 JUROR HOPKINS: Of course.

12:00:41 7 MS. SMITH: And what I'll tell you is at the end
12:00:43 8 of this case, if you're lucky enough to be chosen,
12:00:47 9 Judge Gilstrap is going to give you a lengthy set of
12:00:50 10 instructions on the law in this case to -- that you can
12:00:51 11 follow. Do you understand that?

12:00:52 12 JUROR HOPKINS: Uh-huh.

12:00:53 13 MS. SMITH: So there shouldn't be any lack of
12:00:55 14 understanding on your part. He's going to clear everything
12:00:57 15 up with his instructions. Do you understand that part?

12:00:59 16 JUROR HOPKINS: Yes.

12:01:00 17 MS. SMITH: And you could follow his instructions
12:01:02 18 both as to the reasonable royalty and the validity issue,
12:01:05 19 could you not?

12:01:07 20 JUROR HOPKINS: Yes.

12:01:08 21 MS. SMITH: Thank you, ma'am.

12:01:09 22 THE COURT: Let me ask you one last question,
12:01:12 23 Ms. Hopkins. Is there any doubt in your mind that you can
12:01:16 24 be fair and impartial in this case, or is there any
12:01:20 25 doubt -- do you think you could? Or do you have any doubt

12:01:24 1 that you might not be able to? And now is the time to tell
12:01:31 2 me, not after we're at the end of the process.

12:01:34 3 JUROR HOPKINS: I do have some doubt, to be
12:01:37 4 honest. I just -- I have doubt.

12:01:40 5 THE COURT: Okay. I'm going to let
12:01:41 6 Mr. Fitzpatrick take you back to your seat in the
12:01:45 7 courtroom, and as I said to the rest of the group, feel
12:01:47 8 free to chat with those people around you quietly, if you
12:01:51 9 choose to, but don't discuss anything we've talked about in
12:01:54 10 here.

12:01:55 11 JUROR HOPKINS: Of course.

12:01:56 12 THE COURT: Thank you so much, Ms. Hopkins.

12:01:59 13 MR. DACUS: Thank you.

12:02:00 14 MS. SMITH: Thank you, ma'am.

12:02:03 15 (Juror excused to return to courtroom.)

12:02:03 16 THE COURT: And Mr. Fitzpatrick, I need No. 9
12:02:06 17 when you get her seated.

12:02:08 18 COURT SECURITY OFFICER: Yes, sir. Yes, sir.

12:02:10 19 THE COURT: All right. I'm going to excuse
12:02:13 20 Ms. Hopkins for cause.

12:02:15 21 I've excused Ms. Jones, No. 8 based on the joint
12:02:26 22 and mutual objections to her -- challenge to her.

12:02:31 23 MR. DACUS: That was because Ms. Smith made her
12:02:34 24 cry.

12:02:40 25 (Juror brought into jury room.)

12:02:40 1 THE COURT: Come in, Ms. Arnold. Would you mind
12:02:47 2 having a seat there?

12:02:48 3 JUROR ARNOLD: Sure. Hello, how are y'all? Hi.

12:02:52 4 THE COURT: I'm glad to meet Richie's wife. I
12:02:52 5 know Richie quite well.

12:02:54 6 JUROR ARNOLD: I thought you did.

12:02:55 7 THE COURT: Let me ask you a couple questions.
12:03:00 8 They asked you about living in Okinawa and being exposed to
12:03:05 9 the Japanese culture and -- and at the end of all that, you
12:03:09 10 were asked if you could be fair.

12:03:12 11 And I wrote down that your answer was, I think I
12:03:14 12 could be fair. What I need to know is do you have any
12:03:18 13 doubts that you could be fair, or are you sure you could be
12:03:21 14 fair.

12:03:21 15 JUROR ARNOLD: Are you referring to if I could be
12:03:23 16 fair because they're from Japan?

12:03:26 17 THE COURT: For that or for any reason.

12:03:28 18 JUROR ARNOLD: Oh, yes, I would be fair no matter
12:03:30 19 what.

12:03:31 20 THE COURT: Okay. Okay. I just wrote --

12:03:31 21 JUROR ARNOLD: If I said I think I would be fair,
12:03:35 22 I misunderstood or I didn't clearly say.

12:03:37 23 THE COURT: I could have written it down wrong.
12:03:41 24 But that's why we're back here to get that all clarified.

12:03:46 25 JUROR ARNOLD: Okay.

12:03:47 1 THE COURT: Ms. Jones who sat next to you, No. 8,
12:03:50 2 gave a passionate statement about video games and the
12:03:53 3 impact on her family, and I wrote down that you made a
12:03:57 4 comment that, I do not like video games.

12:03:59 5 JUROR ARNOLD: I don't.

12:04:01 6 THE COURT: Just like No. 8.

12:04:03 7 JUROR ARNOLD: I don't. I've heard the violence
12:04:06 8 that's used on them, maybe I'm not seeing the right video
12:04:11 9 games because I don't have children at home or small
12:04:12 10 children. And when my children were at home, those kind of
12:04:16 11 games weren't out yet. But I do hear adult -- you know,
12:04:19 12 young people talking about the problems they have with all
12:04:23 13 the violence and the language that's used and trying to
12:04:25 14 keep up -- you know, make sure that their kids are only
12:04:29 15 playing the games they want them to.

12:04:31 16 THE COURT: All right. Now you understand that
12:04:33 17 both GREE and Supercell are competitors, they're both in
12:04:38 18 the video game business, but the three video games that
12:04:41 19 this jury is going to hear about are Supercell's video
12:04:46 20 games. And you're probably not going to see video games
12:04:49 21 that GREE makes and sells, and you're probably not going to
12:04:53 22 see video games that Supercell makes and sells other than
12:04:57 23 the three particular ones that are challenged here.

12:05:00 24 Now, understanding they're both in the same
12:05:03 25 business and competing in this global market, does your

12:05:08 1 general feeling about violence and -- and profanity and
12:05:14 2 negative things out of video games, does that change
12:05:17 3 anything about how you feel? Putting it in that context,
12:05:20 4 or are you still pretty much where you were?

12:05:23 5 JUROR ARNOLD: I'm still pretty much where I was.
12:05:25 6 I just have a -- I just have a negative feeling when it
12:05:28 7 comes to video games.

12:05:29 8 THE COURT: Okay. And I guess the follow-up I
12:05:32 9 have to ask you is, is that negativity going to be applied
12:05:36 10 equally to both of these parties, or are you going to --
12:05:38 11 are you going to place that negativity primarily on the
12:05:42 12 Defendant's side because it's their three video games
12:05:45 13 that's going to be talked about and shown --

12:05:48 14 JUROR ARNOLD: I think it would probably be
12:05:50 15 equally. I just -- I just have that feeling in general
12:05:54 16 about video games.

12:05:55 17 THE COURT: Okay. Okay. Well, it's important for
12:05:56 18 me to know because at the end of the day, if you can treat
12:05:59 19 both sides the same, that's a completely different thing
12:06:03 20 than if you feel like you're going to have to because of
12:06:06 21 your beliefs treat one side differently than the other.

12:06:09 22 JUROR ARNOLD: Okay. I --

12:06:11 23 THE COURT: What I hear you saying is you would
12:06:12 24 treat both sides the same.

12:06:13 25 JUROR ARNOLD: I would treat both sides the same.

12:06:15 1 THE COURT: Even if you didn't like their
12:06:17 2 products?

12:06:18 3 JUROR ARNOLD: Even if I didn't like their
12:06:19 4 products.

12:06:20 5 THE COURT: Okay. And I take it as a part of that
12:06:22 6 you would do your best to be fair to both sides regardless
12:06:27 7 of your personal feelings about their products.

12:06:28 8 JUROR ARNOLD: I would. I would like to mention,
12:06:30 9 and I didn't send this in my thing, that I have a lot of
12:06:35 10 medical problems. I have severe migraines and fibromyalgia
12:06:42 11 to the point that sometimes I can't get out of the bed.
12:06:45 12 I'm under a lot of medications right now, and I also have a
12:06:48 13 knee replacement pending, and so I have a lot of medical
12:06:51 14 things going on.

12:06:52 15 THE COURT: Okay.

12:06:53 16 JUROR ARNOLD: And I didn't want to say I couldn't
12:06:55 17 come, but if it were to go on for like a week --

12:06:59 18 THE COURT: Let me tell you what I think is going
12:07:01 19 to happen, we'll be here the rest of the day and we'll be
12:07:04 20 here Friday, tomorrow, and then I think we'll be through by
12:07:09 21 probably Thursday of next week, but I think it will go
12:07:12 22 definitely through Wednesday and into Thursday.

12:07:14 23 Now, we could be here through all of next week. I
12:07:17 24 said that out there just to be cautious. I don't think
12:07:21 25 we'll be here the entirety of next week. And also,

12:07:24 1 Ms. Arnold, once we start the actual trial and the jury is
12:07:28 2 seated in the jury box, we're going to take regular breaks
12:07:34 3 every hour and a half or so. Quite honestly, these ladies
12:07:39 4 that work with me are not going to let me sit up there
12:07:42 5 three hours without taking a break. We're going to break
12:07:46 6 regularly.

12:07:47 7 JUROR ARNOLD: That's good.

12:07:47 8 THE COURT: And you'll have a chance to --

12:07:48 9 JUROR ARNOLD: I just wanted to mention that --

12:07:48 10 THE COURT: But if --

12:07:50 11 JUROR ARNOLD: -- because for a week for me every
12:07:52 12 day all day would be hard.

12:07:52 13 THE COURT: Well, with --

12:07:53 14 JUROR ARNOLD: It would be really hard.

12:07:55 15 THE COURT: With regular breaks like that, do you
12:07:59 16 think you could do that?

12:08:01 17 JUROR ARNOLD: If I had a good day like I'm having
12:08:03 18 a pretty good day today. But there's so many days where I
12:08:07 19 have bad days and where I just don't feel like I could
12:08:09 20 function. That's why I had to leave my employment early.
12:08:13 21 I had to take TRS disability because I was so sick.

12:08:17 22 THE COURT: Well, only you can tell me this, but
12:08:20 23 over the course of tomorrow and some part, probably a
12:08:22 24 majority of next week, based on the history you've
12:08:26 25 experienced up until now, is it likely that there's going

12:08:31 1 to be one of those days that you can't get out of bed, or
12:08:34 2 is --

12:08:34 3 JUROR ARNOLD: It's very likely.

12:08:36 4 THE COURT: I don't know how often this problem
12:08:41 5 visits itself on you.

12:08:42 6 JUROR ARNOLD: It's very likely. Because with the
12:08:44 7 weather change, I've had a lot of -- more problems, and the
12:08:48 8 weather is supposed to be changing more, and it affects all
12:08:52 9 my nervous system.

12:08:53 10 THE COURT: Okay. All right.

12:08:54 11 JUROR ARNOLD: I mean I want to serve, that's why
12:08:56 12 I felt compelled to come, and I feel it's everyone's duty
12:08:59 13 to serve, but, on the other hand, I'm -- I'm afraid that
12:09:03 14 what if I get involved and I'm picked and then I -- I
12:09:07 15 can't. I physically can't come?

12:09:11 16 THE COURT: Well, I -- I appreciate you being
12:09:13 17 honest with us. And it's so much better that we know it
12:09:16 18 now rather than later.

12:09:18 19 JUROR ARNOLD: If it was just going to be today
12:09:19 20 and tomorrow, I would say, sure, I can hang. I think I can
12:09:23 21 make it. But knowing that it could go on most of next week
12:09:27 22 or all of next week, I'm afraid that would be really hard
12:09:29 23 on me.

12:09:30 24 THE COURT: Okay. Ms. Smith, do you have any
12:09:32 25 questions of Ms. Arnold?

12:09:33 1 MS. SMITH: No, Your Honor.

12:09:34 2 THE COURT: Mr. Dacus?

12:09:35 3 MR. DACUS: No, sir.

12:09:35 4 THE COURT: Okay. Ms. Arnold, I'm going to let
12:09:38 5 you join the rest of the panel back in the courtroom, and
12:09:40 6 if you would like to, visit with your neighbors. If not,
12:09:43 7 sit there quietly. But if you do choose to talk with folks
12:09:47 8 around you, don't discuss anything we've talked about in
12:09:50 9 here.

12:09:51 10 JUROR ARNOLD: Okay. I sure will.

12:09:51 11 THE COURT: Thank you so much.

12:09:52 12 JUROR ARNOLD: Thank you all for listening.

12:09:54 13 THE COURT: Appreciate you.

12:09:56 14 MS. SMITH: Thank you.

12:09:56 15 MR. DACUS: Thank you.

12:09:57 16 JUROR ARNOLD: Appreciate y'all.

12:10:01 17 (Juror excused to return to courtroom.)

12:10:01 18 THE COURT: And, Mr. Fitzpatrick, I need No. 17
12:10:05 19 next.

12:10:05 20 COURT SECURITY OFFICER: Yes.

12:10:07 21 THE COURT: I'm going to excuse Ms. Arnold for
12:10:09 22 cause.

12:10:18 23 MS. SMITH: Thank you, Your Honor.

12:10:19 24 THE COURT: I don't need her in the bed with a
12:10:22 25 migraine in the middle of a trial.

12:10:24 1 MR. DACUS: There are some miracle migraine drugs
12:10:27 2 that have just come out. I didn't want to give medical
12:10:31 3 advice, but...

12:10:32 4 (Juror brought into jury room.)

12:10:32 5 THE COURT: Good morning, Ms. Norris.

12:10:40 6 JUROR NORRIS: Hey.

12:10:41 7 THE COURT: Please have a seat.

12:10:42 8 Just a couple questions. During the examination
12:10:47 9 by the lawyers this morning, you talked about your views on
12:10:53 10 video games.

12:10:54 11 JUROR NORRIS: Uh-huh.

12:10:55 12 THE COURT: And I wrote down in my notes, and I
12:10:57 13 may not have written it accurately, but what I have in my
12:11:02 14 notes is you were ready to chunk them in the trash because
12:11:05 15 of the violence.

12:11:07 16 JUROR NORRIS: Yes.

12:11:07 17 THE COURT: Let me ask you this and let me give
12:11:10 18 you a little more context: GREE is in the video game
12:11:13 19 business; Supercell is in the video game business. These
12:11:15 20 are global competitors in the same business.

12:11:20 21 Now, the games that are going to be the subject of
12:11:22 22 this trial because they're alleged to infringe the
12:11:27 23 Plaintiff's patents are three games that Supercell
12:11:32 24 manufactures and sells.

12:11:36 25 So this jury is going to hear about those three

12:11:39 1 games in great detail. They're probably not going to hear
12:11:42 2 about any of GREE's games or any other games that Supercell
12:11:45 3 has. The focus is going to be on these three.

12:11:48 4 And whether you come away, if you're on the jury,
12:11:52 5 thinking those are bad and violent and not good or whether
12:11:57 6 you don't have any problem with them, you're not going to
12:12:00 7 see all the video games the Plaintiff makes and you're not
12:12:04 8 going to see the rest of the video games the Defendant
12:12:08 9 makes.

12:12:09 10 JUROR NORRIS: Right.

12:12:09 11 THE COURT: Now, knowing they're in the same
12:12:11 12 business, does that lead you to the point where you tell me
12:12:17 13 because of your negative feelings about video games, that
12:12:20 14 you couldn't be fair to both of these sides? If you're
12:12:25 15 going to see the Defendant's games and see them in detail
12:12:28 16 and learn about them, is your negativity about video games
12:12:33 17 going to cause you to treat the Defendant any differently
12:12:36 18 than you treat the Plaintiff, knowing that the -- that the
12:12:40 19 Plaintiff's in the video game business but you're not going
12:12:44 20 to see what they do make, you're going to focus and
12:12:46 21 concentrate on the three primary games that are alleged to
12:12:50 22 infringe in this case that are made by the Defendant?

12:12:53 23 At the end of the day, I accept that you have
12:12:59 24 negative feelings about video games. What matters to the
12:13:03 25 Court is will those negative feelings cause you to treat

12:13:07 1 one of these parties any differently than the way you treat
12:13:10 2 the other one? If you can treat them both the same, even
12:13:14 3 if you don't like either one of them, that's one thing.

12:13:17 4 But if because of your dislike of video games, as
12:13:21 5 expressed in the courtroom, if that's -- in your mind, if
12:13:26 6 that's going to cause you to be more in favor of one side
12:13:30 7 and less in favor of the other side before we even start or
12:13:35 8 you're worried that you might end up being that way, that's
12:13:37 9 what I need you to talk to me about. I hope that's clear.

12:13:41 10 JUROR NORRIS: I am -- I am worried that I would
12:13:43 11 end up that way.

12:13:43 12 THE COURT: Okay. Only you know the answer to
12:13:45 13 that.

12:13:46 14 JUROR NORRIS: Yes, sir.

12:13:46 15 THE COURT: But you feel like there is some risk
12:13:48 16 that you might treat one side differently than the other?

12:13:53 17 JUROR NORRIS: Yes.

12:13:53 18 THE COURT: Okay. Ms. Smith, do you have
12:13:56 19 questions?

12:13:56 20 MS. SMITH: No, Your Honor.

12:13:57 21 THE COURT: Mr. Dacus?

12:13:57 22 MR. DACUS: No, sir.

12:13:58 23 THE COURT: Ms. Norris, that answers the questions
12:14:01 24 I have. And I appreciate your candor. I'm going to let
12:14:05 25 you go back in the courtroom and return to your seat.

12:14:07 1 JUROR NORRIS: Okay.

12:14:08 2 THE COURT: If you visit with your neighbors
12:14:11 3 quietly, that's fine. But if you do, don't discuss
12:14:15 4 anything we've talked about in here.

12:14:18 5 JUROR NORRIS: Yes, sir.

12:14:19 6 THE COURT: Thank you so much.

12:14:19 7 JUROR NORRIS: Thank you.

12:14:19 8 (Juror excused to return to courtroom.)

12:14:19 9 THE COURT: And I need No. 18 next,
12:14:22 10 Mr. Fitzpatrick.

12:14:25 11 COURT SECURITY OFFICER: Yes, sir.

12:14:25 12 THE COURT: I'm going to excuse Ms. Norris for
12:14:28 13 cause.

12:14:28 14 (Juror brought into jury room.)

12:14:50 15 Hello, Ms. Price. Please come in.

12:14:54 16 JUROR PRICE: Hello. How y'all doing?

12:14:56 17 THE COURT: Please have a seat right there.

12:14:56 18 JUROR PRICE: Uh-huh.

12:14:58 19 THE COURT: Thank you for coming back and visiting
12:15:02 20 with us.

12:15:02 21 JUROR PRICE: Sure.

12:15:03 22 THE COURT: During the examination of the jury
12:15:06 23 panel this morning by the lawyers, I wrote down several
12:15:09 24 things that I need to ask you about, Ms. Price.

12:15:12 25 JUROR PRICE: Okay.

12:15:12 1 THE COURT: I heard you say that the government
12:15:15 2 gets it wrong most of the time. Do you -- do you believe
12:15:17 3 that?

12:15:18 4 JUROR PRICE: Well, sometimes --

12:15:19 5 THE COURT: I know government is a broad term --

12:15:21 6 JUROR PRICE: Right.

12:15:22 7 THE COURT: -- because I work for the government.

12:15:24 8 JUROR PRICE: No, not all the time, but sometimes.

12:15:27 9 THE COURT: Okay. We're talking primarily here
12:15:30 10 about the U.S. Patent and Trademark Office.

12:15:32 11 JUROR PRICE: Yeah.

12:15:33 12 THE COURT: And their issuance of these five
12:15:35 13 patents that the Plaintiff is using to bring this lawsuit.

12:15:38 14 JUROR PRICE: Right.

12:15:38 15 THE COURT: If you feel like the Patent Office
12:15:42 16 gets it wrong most of the time, that may impact how you
12:15:46 17 deal with the evidence that's going to come out in this
12:15:49 18 trial. If -- if your answer was the government gets it
12:15:54 19 wrong most of the time, you were thinking about the IRS or
12:15:57 20 some other part of the government.

12:15:58 21 JUROR PRICE: I really was.

12:16:00 22 THE COURT: Well, then, I need you to clarify that
12:16:03 23 for me.

12:16:03 24 JUROR PRICE: That's what I was -- that's what I
12:16:04 25 was talking about. But when he said something about the

12:16:07 1 patent, four or five of them -- he said four or five of
12:16:11 2 them was going to show -- but the way I felt about it, if
12:16:14 3 the government should have -- they should have really
12:16:17 4 researched this. If they didn't really research it and got
12:16:22 5 it -- get it right, I don't -- I don't see -- I feel they
12:16:26 6 should have did that. That was they job. That's what they
12:16:30 7 got paid for.

12:16:30 8 THE COURT: Well, this jury is going to at the end
12:16:32 9 of the day be asked to decide if the government got it
12:16:38 10 right. And they may have gotten it right. They may have
12:16:40 11 gotten it wrong because they messed up. They may have
12:16:44 12 gotten it wrong because they didn't have everything in
12:16:46 13 front of them to make a good decision when they did decide.
12:16:49 14 I don't know what the evidence is going to show.

12:16:50 15 JUROR PRICE: Right.

12:16:51 16 THE COURT: The evidence may show something else.

12:16:53 17 But the question is, given that the law requires
12:17:00 18 that a valid United States patent is presumed to be valid
12:17:02 19 but it can be invalid if the jury finds from clear and
12:17:08 20 convincing evidence that it shouldn't have been issued in
12:17:10 21 the first place, do you think you can listen to the
12:17:12 22 evidence on that and you can follow my instructions in that
12:17:16 23 regard in making your decision? That's what I need you to
12:17:20 24 answer.

12:17:21 25 JUROR PRICE: I know, but I -- I might could, but

12:17:25 1 I don't --

12:17:26 2 THE COURT: Are you sure?

12:17:27 3 JUROR PRICE: I might.

12:17:28 4 THE COURT: Okay. You're using the word "might."

12:17:31 5 JUROR PRICE: I know.

12:17:32 6 THE COURT: Does that mean you're not completely

12:17:34 7 sure?

12:17:35 8 JUROR PRICE: I'm not completely sure.

12:17:36 9 THE COURT: Okay. One other -- another question

12:17:39 10 or two.

12:17:39 11 When the Plaintiff talked about the several
12:17:49 12 million dollars they were going to ask the jury to award, I
12:17:53 13 think I -- my notes say that you said or raised your hand
12:17:57 14 that you could never award that kind of many.

12:18:00 15 JUROR PRICE: No, that's ridiculous.

12:18:02 16 THE COURT: So are you telling me no matter what
12:18:04 17 the evidence is, you couldn't award that kind of money?

12:18:08 18 JUROR PRICE: No, that's -- that's too much money.

12:18:09 19 THE COURT: Okay. So I want to be clear that I'm
12:18:09 20 understanding you. You're telling me that no matter what
12:18:11 21 the evidence is, you could never award that kind of money?

12:18:14 22 JUROR PRICE: I don't think so.

12:18:14 23 THE COURT: Okay.

12:18:16 24 JUROR PRICE: I don't see nothing would be that --
12:18:18 25 they couldn't have did nothing that bad to get that much

12:18:21 1 money.

12:18:21 2 THE COURT: All right. And one other question. I
12:18:23 3 have in my notes that you said: I know I'm not right for
12:18:25 4 this case.

12:18:26 5 JUROR PRICE: Uh-huh.

12:18:27 6 THE COURT: Can you tell me just as simply as you
12:18:30 7 can why you believe you're not right for this case?

12:18:34 8 JUROR PRICE: One thing, I really don't like video
12:18:37 9 games. I just -- to me, they're just a waste.

12:18:43 10 THE COURT: Now, let me explain this to you,
12:18:46 11 Ms. Price. GREE, the Plaintiff, represented by Ms. Smith,
12:18:48 12 is in the video game business.

12:18:49 13 JUROR PRICE: I know.

12:18:50 14 THE COURT: And Supercell, the Defendant,
12:18:52 15 represented by Mr. Dacus, is in the video game business.

12:18:56 16 JUROR PRICE: Uh-huh, right.

12:18:58 17 THE COURT: Now, there are three particular video
12:19:00 18 games made and sold by Supercell that are going to be the
12:19:02 19 focus of this lawsuit.

12:19:03 20 JUROR PRICE: Uh-huh.

12:19:04 21 THE COURT: But understanding that both parties
12:19:08 22 are in the same business and they both make and sell video
12:19:11 23 games around the world, but the jury is just going to hear
12:19:15 24 about the three video games that Supercell makes that the
12:19:18 25 Plaintiff has challenged in this lawsuit, but understanding

12:19:23 1 they're both in the same business --

12:19:25 2 JUROR PRICE: Uh-huh.

12:19:26 3 THE COURT: -- does your dislike of video games --
12:19:29 4 and I -- I understand that.

12:19:32 5 JUROR PRICE: Uh-huh.

12:19:33 6 THE COURT: Does your negative views on video
12:19:36 7 games, would it cause you in your mind to treat the
12:19:38 8 Defendants any differently than the Plaintiff or the
12:19:40 9 Plaintiff any differently than the Defendant or --

12:19:44 10 JUROR PRICE: About the same.

12:19:44 11 THE COURT: Would you be able to say you would
12:19:46 12 treat them both the same?

12:19:48 13 JUROR PRICE: Probably the same.

12:19:49 14 THE COURT: All right. Thank you, ma'am.

12:19:51 15 Mr. Dacus, do you have questions of Ms. Price?

12:19:55 16 MR. DACUS: I do not, Your Honor. Thank you.

12:19:57 17 THE COURT: Ms. Smith?

12:19:58 18 MS. SMITH: No, Your Honor.

12:19:59 19 THE COURT: Ms. Price, I'm going to let
12:20:01 20 Mr. Fitzpatrick escort you back to your seat. And if you'd
12:20:06 21 like to visit with your neighbors quietly; if not, you
12:20:07 22 certainly don't have to. But if you do visit with your
12:20:07 23 neighbors, don't talk about anything we've talked about in
12:20:09 24 here.

12:20:09 25 JUROR PRICE: Oh, sure. Sure.

12:20:10 1 THE COURT: Okay. Thank you, Ms. Price.

12:20:12 2 JUROR PRICE: All right.

12:20:14 3 (Juror excused to return to courtroom.)

12:20:14 4 THE COURT: Mr. Fitzpatrick, if you will escort
12:20:20 5 her back and then check back with me.

12:20:23 6 COURT SECURITY OFFICER: Yes, sir.

12:20:24 7 THE COURT: Thank you.

12:20:24 8 I'm going to excuse Ms. Price for cause.

12:20:26 9 I don't think we're -- I don't think we're going
12:20:43 10 to get past the ones you -- we've actually talked to, do
12:20:47 11 you all?

12:20:47 12 MR. DACUS: I do not.

12:20:48 13 MS. SMITH: That's correct.

12:20:48 14 MR. DACUS: It looks like we would strike through
12:20:51 15 21 -- through and including 21.

12:20:53 16 THE COURT: That's -- that's my calculation.
12:20:55 17 Eight jurors, eight total peremptory challenges, 16, five
12:21:02 18 excuses or granted challenges for cause gets us to 21.

12:21:05 19 And the next challenged venire member after that
12:21:11 20 doesn't show up until 30.

12:21:12 21 Okay. 20 minutes after 12:00. How long do you
12:21:18 22 two need to strike your lists?

12:21:21 23 MR. DACUS: I've got a bunch of folks in my room.
12:21:24 24 I'd like 20 minutes.

12:21:25 25 MS. SMITH: That would be wonderful. I was going

12:21:28 1 to say 15. I like 20 better if the Court will entertain
12:21:30 2 that.

12:21:31 3 THE COURT: I'll give you until 12:45.

12:21:35 4 MR. DACUS: Perfect.

12:21:36 5 MS. SMITH: Perfect. Thank you.

12:21:39 6 THE COURT: If you'll take your seats in the
12:21:41 7 courtroom, I'll explain to the panel what we're going to do
12:21:43 8 next.

12:22:47 9 (Bench conference concluded and the Court and the
12:22:48 10 parties return to the courtroom.)

12:22:48 11 THE COURT: Ladies and gentlemen, the lawyers are
12:22:54 12 going to take a few minutes -- I'm going to give them until
12:23:00 13 12:45 to exercise their peremptory challenges.

12:23:06 14 While that happens, I will recess and be off the
12:23:11 15 bench. During this recess, I can't allow all of you to get
12:23:15 16 up and just walk around the courthouse. That will defeat
12:23:18 17 all the public safety and public health protocols we've put
12:23:24 18 in place.

12:23:25 19 So while we're in this short recess that's coming
12:23:28 20 up, again, 20, 25 minutes, a couple things, the Court
12:23:36 21 Security Officers, Mr. Fitzpatrick and Ms. Denton, will
12:23:38 22 come by and row-by-row they will check and see if any of
12:23:41 23 you need a restroom break or something like that.

12:23:43 24 And because we're going to try to maintain --
12:23:45 25 we're going to maintain social distancing, if anybody on

12:23:49 1 that particular row needs to have a bathroom break, they'll
12:23:52 2 take you out of the courtroom to the restroom, and when
12:23:55 3 you're finished, bring you back and put you back on your
12:23:58 4 row, and then they'll go to the next row. We'll do it kind
12:24:03 5 of like church service, one row at a time.

12:24:06 6 Also, during this time, I know we're past noon, I
12:24:11 7 don't know if any of you have low blood sugar or any other
12:24:15 8 problems, so I'm going to do something I never do -- in
12:24:18 9 nine years I've only done it once and that was the last
12:24:19 10 trial that just took place last month. I'm going to let
12:24:22 11 the clerk's office bring in bottles of water and packages
12:24:25 12 of peanut butter crackers.

12:24:29 13 And if somebody wants something to eat or
12:24:31 14 something to drink during this recess, you're going to get
12:24:34 15 to eat and drink in my courtroom, and I promise you, that's
12:24:37 16 never happened before. But I don't want anybody to be -- I
12:24:41 17 don't want anybody to be in a bad way because we have to
12:24:44 18 maintain the positioning that we have.

12:24:47 19 If you'd like a bottle of water or some crackers,
12:24:51 20 let one of the Court Security Officers know, and
12:24:53 21 Ms. Clendening will probably be in here shortly with the
12:24:56 22 clerk's office, and you can certainly let her know.

12:24:59 23 Also, feel free while you're seated to do just
12:25:02 24 what you've been doing while I've been in the jury room,
12:25:06 25 and that is either keep to yourself and be quiet, or if

12:25:10 1 you'd like to visit with somebody close by, feel free to do
12:25:15 2 that. But do not discuss anything that's happened in the
12:25:18 3 courtroom this morning since you arrived and came through
12:25:21 4 security. Don't discuss anything that's happened today.

12:25:21 5 With that, until 12:45, the Court stands in
12:25:26 6 recess.

12:25:28 7 COURT SECURITY OFFICER: All rise.

12:25:31 8 (Recess.)

9

10 CERTIFICATION

11

12 I HEREBY CERTIFY that the foregoing is a true and
13 correct transcript from the stenographic notes of the
14 proceedings in the above-entitled matter to the best of my
15 ability.

16

17

18 /S/ Shelly Holmes
SHELLY HOLMES, CSR, TCRR
19 OFFICIAL REPORTER
State of Texas No.: 7804
20 Expiration Date: 12/31/20

9/10/2020
Date

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